

SENATE BILL 58

K2

11r0085

By: **Chair, Finance Committee (By Request – Departmental – Labor, Licensing and Regulation)**

Introduced and read first time: January 18, 2011

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Unemployment Insurance – Judicial Review of Board of Appeals Decision –**
3 **Passage of Order**

4 FOR the purpose of repealing the requirement that the Board of Appeals pass a
5 certain order on final decision in a judicial review proceeding; and generally
6 relating to the judicial review of a Board of Appeals decision.

7 BY repealing and reenacting, with amendments,
8 Article – Labor and Employment
9 Section 8–5A–12
10 Annotated Code of Maryland
11 (2008 Replacement Volume and 2010 Supplement)

12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
13 MARYLAND, That the Laws of Maryland read as follows:

14 **Article – Labor and Employment**

15 8–5A–12.

16 (a) (1) A final decision of the Board of Appeals may be appealed to a
17 circuit court by any party aggrieved by the decision, the Secretary, or both.

18 (2) In addition to standing authorized under paragraph (1) of this
19 subsection, the Secretary may appeal on behalf of the federal government any decision
20 of the Board of Appeals in which the Secretary is an agent of the federal government
21 and responsible for the administration of a federal unemployment compensation
22 program.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (3) The Board of Appeals may be a party to an appeal under this
2 section and may be represented by the Attorney General or by any qualified lawyer
3 who is a regular salaried employee of the Board of Appeals and who has been
4 designated by it for that purpose on recommendation of the Attorney General.

5 (4) A court or an officer of a court may not charge an individual who
6 claims benefits a fee in any proceeding under this title.

7 (b) An employer that is aggrieved by a final decision under § 8–602 or §
8 8–629 or § 8–638 of this title may appeal to the circuit court for Baltimore City or for a
9 county where the employer does business.

10 (c) The Board of Appeals may certify to a circuit court a question of law that
11 is involved in a decision by the Board of Appeals.

12 (d) In a judicial proceeding under this section, findings of fact of the Board of
13 Appeals are conclusive and the jurisdiction of the court is confined to questions of law
14 if:

15 (1) findings of fact are supported by evidence that is competent,
16 material, and substantial in view of the entire record; and

17 (2) there is no fraud.

18 (e) (1) A circuit court shall give priority to an appeal or a certified
19 question of law under this section over all other civil cases except cases under the
20 Workers' Compensation Law of the State.

21 (2) A circuit court shall hear an appeal or a certified question of law
22 under this section in a summary manner.

23 (f) In a judicial proceeding under this section, a circuit court may not require
24 a person to:

25 (1) enter an exception to a ruling of the Board of Appeals; or

26 (2) post a bond for entering an appeal.

27 (g) A party may appeal from a decision of a circuit court to the Court of
28 Special Appeals in the same manner as provided for in civil cases, consistent with this
29 title.

30 [(h) On final decision in a judicial proceeding under this section, the Board of
31 Appeals shall pass an order in accordance with the decision.]

32 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
33 October 1, 2011.