

## Chapter 12

### (Senate Bill 58)

AN ACT concerning

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

FOR the purpose of repealing the requirement that the Board of Appeals pass a certain order on final decision in a judicial review proceeding; making this Act an emergency measure; and generally relating to the judicial review of a Board of Appeals decision.

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

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

#### **Article – Labor and Employment**

8–5A–12.

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

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

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

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

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

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

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

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

(2) there is no fraud.

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

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

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

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

(2) post a bond for entering an appeal.

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

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

SECTION 2. AND BE IT FURTHER ENACTED, That this Act ~~shall take effect October 1, 2011~~ is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a ye and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.

**Approved by the Governor, April 12, 2011.**