

HOUSE BILL 197

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11r0076

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

Introduced and read first time: January 28, 2011

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Unemployment Insurance Benefits Claims – Appeals – Finality of Order**

3 FOR the purpose of establishing a certain period of time after which certain decisions
4 are final as to determinations relating to unemployment insurance benefits
5 claims that had been appealed to certain units in the Department of Labor,
6 Licensing, and Regulation; and generally relating to decisions on certain
7 unemployment insurance benefits claims.

8 BY repealing and reenacting, with amendments,
9 Article – Labor and Employment
10 Section 8–508 and 8–5A–11
11 Annotated Code of Maryland
12 (2008 Replacement Volume and 2010 Supplement)

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

15 **Article – Labor and Employment**

16 8–508.

17 (a) An individual who files a claim for benefits or an employer entitled to
18 notice of a determination or redetermination of the claim may file an appeal with the
19 Lower Appeals Division within 15 days after notice of the determination or
20 redetermination is mailed to the claimant or employer at the last known address of the
21 claimant or employer or otherwise is delivered.

22 (b) The Secretary, at the Secretary’s discretion, may be a party to an appeal
23 filed by a claimant or employing unit with the Lower Appeals Division.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (c) Unless an appeal filed under subsection (a) of this section is withdrawn
2 or removed to the Board of Appeals, a hearing examiner shall:

3 (1) give the parties a reasonable opportunity for a fair hearing in
4 accordance with the notice provisions in §§ 10–207 and 10–208 of the State
5 Government Article, except that the notice is not subject to § 10–208(b)(4) and (7) of
6 the State Government Article;

7 (2) make findings of fact and conclusions of law, based on a
8 preponderance of evidence, in accordance with § 10–217 of the State Government
9 Article; and

10 (3) on the basis of the findings of fact and conclusions of law, affirm,
11 modify, or reverse a determination or redetermination.

12 (d) The hearing examiner promptly shall give each party:

13 (1) notice of the decision of the hearing examiner in accordance with §
14 10–221 of the State Government Article; and

15 (2) a copy of the decision and the findings of fact and conclusions of
16 law that support the decision.

17 (e) The decision of the hearing examiner is final **AFTER 10 DAYS AFTER**
18 **NOTICE OF THE DECISION HAS BEEN MAILED OR OTHERWISE DELIVERED TO**
19 **THE INDIVIDUAL OR EMPLOYER THAT FILED THE APPEAL WITH THE LOWER**
20 **APPEALS DIVISION**, unless further review is initiated under § 8–5A–10 of this title.

21 8–5A–11.

22 A decision of the Board of Appeals is final **AFTER 10 DAYS AFTER NOTICE OF**
23 **THE DECISION HAS BEEN MAILED OR OTHERWISE DELIVERED TO THE**
24 **INDIVIDUAL OR EMPLOYER THAT FILED THE APPEAL WITH THE BOARD OF**
25 **APPEALS**, subject to judicial review under § 8–5A–12 of this subtitle.

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