

Chapter 108

(House Bill 197)

AN ACT concerning

Unemployment Insurance Benefits Claims – Appeals – Finality of Order

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

BY repealing and reenacting, with amendments,
Article – Labor and Employment
Section 8–508 and 8–5A–11
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

8–508.

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

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

(c) Unless an appeal filed under subsection (a) of this section is withdrawn or removed to the Board of Appeals, a hearing examiner shall:

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

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

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

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

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

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

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

8-5A-11.

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

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

Approved by the Governor, April 12, 2011.