

HOUSE BILL 283

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3lr1447

By: **Delegates Hough, Afzali, Arora, Boteler, Eckardt, George, Norman, Ready, and Szeliga**

Introduced and read first time: January 23, 2013

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Unemployment Insurance – Appeal of Benefit Determination – Discovery of**
3 **Financial Crime**

4 FOR the purpose of authorizing an employer to file an appeal with the Lower Appeals
5 Division within a certain time period after the employer discovered, or should
6 have discovered, that an individual receiving benefits committed a financial
7 crime against the employer while employed by the employer; and generally
8 relating to the appeal of the determination of unemployment insurance benefits.

9 BY repealing and reenacting, with amendments,
10 Article – Labor and Employment
11 Section 8–508
12 Annotated Code of Maryland
13 (2008 Replacement Volume and 2012 Supplement)

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

16 **Article – Labor and Employment**

17 8–508.

18 (a) **(1)** An individual who files a claim for benefits or an employer entitled
19 to notice of a determination or redetermination of the claim may file an appeal with
20 the Lower Appeals Division within 15 days after notice of the determination or
21 redetermination is mailed to the claimant or employer at the last known address of the
22 claimant or employer or otherwise is delivered.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(2) AN EMPLOYER MAY FILE AN APPEAL WITH THE LOWER**
2 **APPEALS DIVISION WITHIN 15 DAYS AFTER THE EMPLOYER DISCOVERED, OR**
3 **SHOULD HAVE DISCOVERED, EVIDENCE THAT AN INDIVIDUAL RECEIVING**
4 **BENEFITS COMMITTED A FINANCIAL CRIME AGAINST THE EMPLOYER WHILE**
5 **EMPLOYED BY THE EMPLOYER.**

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

8 (c) Unless an appeal filed under subsection (a) of this section is withdrawn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

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

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

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

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

20 (1) notice of the decision of the hearing examiner in accordance with §
21 10-221 of the State Government Article; and

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

24 (e) The decision of the hearing examiner is final after 10 days after notice of
25 the decision has been mailed or otherwise delivered to the individual or employer that
26 filed the appeal with the Lower Appeals Division, unless further review is initiated
27 under § 8-5A-10 of this title.

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
29 October 1, 2013.