

~~(a) On the Secretary's own initiative or on application of an employer, the Secretary shall, on the basis of facts that the Secretary finds, determine:~~

- ~~(1) whether the employer is an employing unit;~~
- ~~(2) which employment is covered; and~~
- ~~(3) the contribution rate to be assigned.~~

~~(b) (1) The Secretary shall mail notice of the determination under subsection (a) of this section to the employer at its last known address or otherwise deliver notice to the employer.~~

~~(2) The notice shall include a statement of the supporting facts found by the Secretary.~~

~~(c) (1) An employer may appeal a determination of the Secretary to the Board of Appeals within 15 days after the Secretary mailed or otherwise delivered the notice under subsection (b) of this section.~~

- ~~(2) The Board of Appeals shall allow the appeal.~~
- ~~(3) The Secretary shall be a party to the appeal.~~

~~(4) The Board of Appeals shall give the parties a reasonable opportunity for a fair hearing as provided under Subtitle 5 of this title.~~

~~(D) A CLAIMANT MAKING A CLAIM FOR BENEFITS UNDER § 8-805 OF THIS TITLE MAY NOT BE PRECLUDED FROM PURSUING THE CLAIM SOLELY BASED UPON A DETERMINATION MADE UNDER THIS SECTION.~~

9-603.

On or before December 15 of each year, the Department of [Economic and Employment Development] LABOR, LICENSING, AND REGULATION shall:

- (1) determine the State average weekly wage as of July 1 of that year; and
- (2) report the State average weekly wage to the Commission.

9-638.

(b) On or before June 30 of each year, the Department of [Economic and Employment Development] LABOR, LICENSING, AND REGULATION shall determine and report to the Commission the rate of change in the Consumer Price Index in the preceding calendar year, using as the Consumer Price Index the lower of:

(1) the average of the Consumer Price Indices (all urban consumers, all item index) published by the United States Department of Labor for the Baltimore MSA and the Washington, D.C. MSA; or

(2) the United States city average consumer price index (all urban consumers, all item index).