

CHAPTER 499

(House Bill 687)

AN ACT concerning

Unemployment Insurance - Appeals

FOR the purpose of making certain changes respecting the standing of the Secretary of Labor, Licensing, and Regulation in certain appeals involving unemployment insurance; providing a certain effective date; and generally relating to unemployment insurance.

BY repealing and reenacting, with amendments,

Article - Labor and Employment

Section 8-509, 8-510, 8-512, and 8-806

Annotated Code of Maryland

(1991 Volume and 1997 Supplement)

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

Article - Labor and Employment

8-509.

(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 Board of Appeals 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 BOARD OF APPEALS.

[(b)](C) (1) Unless an appeal filed under subsection (a) of this section is withdrawn or removed to the Board of Appeals, a hearing examiner designated by the Board of Appeals shall:

(i) 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;

(ii) 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

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