

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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HOUSE DRH60621-LR-183 (05/09)

Short Title: ESC/Employers' Protest Filing Period.

(Public)

Sponsors: Representative Wainwright.

Referred to:

A BILL TO BE ENTITLED

AN ACT RELATING TO THE FILING PERIOD FOR EMPLOYERS TO PROTEST
UNEMPLOYMENT INSURANCE CLAIMS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 95-15(b)(2) reads as rewritten:

"(2) Adjudication. – When a protest is made by the claimant to the initial or monetary determination, or a question or issue is raised or presented as to the eligibility of a claimant under G.S. 96-13, or whether any disqualification should be imposed under G.S. 96-14, or benefits denied or adjusted pursuant to G.S. 96-18, the matter shall be referred to an adjudicator. The adjudicator may consider any matter, document or statement deemed to be pertinent to the issues, including telephone conversations, and after such consideration shall render a conclusion as to the claimant's benefit entitlements. The adjudicator shall notify the claimant and all other interested parties of the conclusion reached. The conclusion of the adjudicator shall be deemed the final decision of the Commission unless within 15 days after the date of notification or mailing of the conclusion, whichever is earlier, a written appeal is filed pursuant to such regulations as the Commission may adopt. The Commission shall be deemed an interested party for such purposes and may remove to itself or transfer to an appeals referee the proceedings involving any claim pending before an adjudicator.

Provided, any interested employer shall be allowed ~~15 days~~ 10 days from the earlier of mailing or delivery of the notice of the filing of a claim against the employer's account to protest the claim and have the claim referred to an adjudicator for a decision on the question or issue raised. Provided further, no question or issue may be raised or

1 presented by the Commission as to the eligibility of a claimant under
2 G.S. 96-13, or whether any disqualification should be imposed under
3 G.S. 96-14, after 45 days from the first day of the first week after the
4 question or issue occurs with respect to which week an individual filed
5 a claim for benefits. None of the provisions of this subsection shall
6 have the force and effect nor shall the same be construed or interpreted
7 as repealing any of the provisions of G.S. 96-18."

8 **SECTION 2.** This act is effective when it becomes law.