

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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HOUSE BILL 597

Short Title: UI/Fix Aggrieved Party Definition. (Public)

Sponsors: Representative Murry (Primary Sponsor).
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

Referred to: Judiciary Subcommittee A.

April 5, 2011

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE THAT AN INDIVIDUAL WHO HAS BEEN AWARDED
3 UNEMPLOYMENT INSURANCE BENEFITS BY THE EMPLOYMENT SECURITY
4 COMMISSION, BUT DOES NOT RECEIVE THOSE BENEFITS AS THE RESULT OF
5 AN ACT OR OMISSION OF THE COMMISSION, IS DEEMED AN AGGRIEVED
6 PARTY FOR THE PURPOSES OF JUDICIAL REVIEW WITHOUT THE
7 REQUIREMENT TO EXHAUST ADMINISTRATIVE REMEDIES.

8 The General Assembly of North Carolina enacts:

9 **SECTION 1.** G.S. 95-12(b)(1) reads as rewritten:

- 10 "(b) (1) a. Repealed by Session Laws 1977, c. 727, s. 52.
11 b. An individual who is totally unemployed shall be paid the
12 individual's weekly benefit amount. The weekly benefit amount for
13 an individual is the amount of the high-quarter wages paid to the
14 individual in the individual's base period, divided by 26 and, if the
15 quotient is not a whole dollar, rounded to the next lower whole
16 dollar. If this amount is less than fifteen dollars (\$15.00), the
17 individual is not eligible for benefits.
18 c. Repealed by Session Laws 1981, c. 160, s. 17.
19 d. In any case where an individual has applied for weekly benefits and
20 has been awarded benefits, but fails to receive those benefits as the
21 result of an act or omission on the part of the Commission, the
22 Commission shall rectify the error and shall pay the benefits
23 immediately. Any failure of the Commission to rectify and pay as
24 required by this subdivision renders the individual an aggrieved party
25 for the purposes of G.S. 96-15(h) who is not required to exhaust
26 administrative remedies and who may obtain injunctive and other
27 relief including an order to compel the Commission to pay the
28 benefits."

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

