

APA-1

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control _____ Department or Agency: Dept. of Labor
Rule No. 480-1-4-.09
Rule Title: Scheduling And Notice of Hearing
 New X Amend Repeal Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? NO

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? NO

Is there another, less restrictive method of regulation available that could adequately protect the public? NO

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? NO

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? NO

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? YES

Does the proposed action relate to or affect in any manner any litigation which the agency is a party to concerning the subject matter of the proposed rule? NO

Does the proposed rule have an economic impact? NO

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Services Agency.

Signature of certifying officer Stephen McCombs

Date 6-15-18

(DATE FILED)
(STAMP)

APA-2

Department of
Labor

NOTICE OF INTENDED ACTION

AGENCY NAME: DEPARTMENT OF LABOR

RULE NO. & TITLE: 480-1-4-.09 Scheduling And Notice of Hearing.

INTENDED ACTION: Amendment.

SUBSTANCE OF PROPOSED ACTION: To amend the above section under the Hearings and Appeals Chapter to update certain obsolete verbiage.

TIME, PLACE, MANNER OF PRESENTING VIEWS: All interested persons may submit data, views, or arguments in writing to Stephen McCormick, Department of Labor, 649 Monroe Street, Montgomery, Alabama 36131 by mail or in person between the hours of 8:00 am and 4:30 pm, Monday through Friday until and including August 06, 2018. Persons wishing to submit data, views or arguments orally should contact Stephen McCormick by telephone at (334) 242-8274 during this period to arrange an appointment.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: August 06, 2018

CONTACT PERSON AT AGENCY:

Stephen McCormick
Department of Labor
649 Monroe Street
Montgomery, AL 36131
Telephone: (334) 242-8274

Stephen McCormick

Stephen McCormick
Director, Governmental Affairs

ALABAMA DEPARTMENT OF LABOR
ADMINISTRATIVE CODE

CHAPTER 480-1-4
HEARINGS AND APPEALS

TABLE OF CONTENTS

480-1-4-.01	Repealed
480-1-4-.02	Authority Of A Hearing Officer
480-1-4-.03	Duties And Disqualifications Of Hearing Officers
480-1-4-.04	Conduct Of Hearings
480-1-4-.05	Representation
480-1-4-.06	Subpoenas And Depositions
480-1-4-.07	Withdrawals
480-1-4-.08	Identification Of Interested Parties
480-1-4-.09	Scheduling And Notice Of Hearing
480-1-4-.10	Postponements, Default, Consent Orders And Agreed settlements
480-1-4-.11	Decision And Notice Of Decision
480-1-4-.12	Filing Of An Appeal
480-1-4-.13	Telephone Hearings

480-1-4-.09 Scheduling And Notice Of Hearing.

(1) A party appealing from a determination of a claims examiner on a claim for benefits shall file with the Department of Labor, ~~Industrial Relations Building, Montgomery, Alabama 361301, or with a representative of the Department of Labor at a local Unemployment Compensation Claims Office,~~ a notice of appeal. This notice shall be in writing, ~~preferably on the form designated for that purpose,~~ and shall include the claimant's or employer's name, address, the claimant's social security number and shall state the grounds upon which review is sought. Receipt of the appeal by the Agency within the time prescribed by the state shall constitute filing.

(2) An appeal to a hearing officer on an Unemployment Compensation benefit claim shall be promptly scheduled and heard using the teleconferencing method or at a regular hearing location most accessible to the claimant.

(3) Contested case hearings other than Unemployment Compensation benefit claims shall be promptly scheduled and heard by the hearing officer according to appropriate statute, rule or policy.

(4) Notice of hearing shall be sent to all parties to the proceeding at their last known address or place of business. It is the duty and responsibility of each party to inform the Hearing Officer of any change of address to which future notices and communications should be directed. Delivery of the notice by mail shall be effective upon the deposit of the notice in the United States mail, first class, postage prepaid. The notice on

Unemployment Compensation benefit claims hearings shall be mailed at least 7 days before date of hearing except that a shorter notice period may be used if not prejudicial to the parties and shall include:

1. A statement of the time, place and nature of the hearing;
2. A statement of the legal authority and jurisdiction under which the hearing is to be held;
3. A reference to the particular sections of the statutes and rules involved;
4. A short and plain statement of the matter asserted. If the agency or other party is unable to state the matters in detail at the time the notice is served, the initial notice may be limited to a statement of the issues involved. Thereafter upon application, a more definite and detailed statement shall be furnished.

Authors: George Cocoris, C. Lamon Till, Venessa Watkins

Statutory Authority: Code of Ala. 1975, §25-2-8.

History: September 30, 1982. **Amended:** Filed June 15, 2018; effective