

Sec. 31-237g-21. Subpoenas

(Statutory reference: 31-245, 31-246, 31-247)

(a) The Referee may, upon the referee's own initiative or at the request of a party filed pursuant to this section, issue subpoenas to compel the attendance of witnesses at any hearing before the Referee for the purpose of providing testimony or physical evidence, or both, if the Referee determines that issuance of such subpoena is necessary to fairly adjudicate the appeal. Service of such subpoenas shall be made in accordance with Connecticut law and, unless otherwise arranged with the requesting party, the Appeals Division shall take responsibility for service of each subpoena issued by a Referee.

(b) Any party may request the Referee to issue a subpoena to compel the attendance at the Referee's hearing of any proposed witness for the purpose of providing testimony or physical evidence, or both. Such a request need not be in writing, but shall be promptly made as far as possible in advance of the scheduled hearing. In the absence of a properly issued subpoena, attendance at a Referee's hearing by any party or other person is not mandatory. Therefore it is the responsibility of each party which intends or desires to examine or cross-examine any other party or person to request the issuance of a subpoena to insure the attendance of such other party or person at the Referee's hearing. The Appeals Division may require that the reasons given in oral subpoena requests be subsequently confirmed in writing or sworn affidavit by the party, attorney, or authorized agent who made the request. Each request shall:

- (1) reveal the name of each such witness and the location, or locations, where each witness can be served;
- (2) identify and describe all physical evidence requested and indicate why it is believed that the witness in question has control of such material;
- (3) explain why each such witness and item of physical evidence is necessary to the Referee's adjudication of the appeal; and
- (4) indicate why such witness or physical evidence will be unavailable unless the requested subpoena is issued by the Referee.

(c) The Referee shall promptly decide each such subpoena request and notify the requesting party of the decision. Notice of such decision need not be in writing, but such notification shall be recorded in the appeal file. The Referee may discuss such request with the opposing party or the proposed witness, or both, for purposes of obtaining the attendance of such proposed witness at the hearing by stipulation in lieu of subpoena. The Referee may refuse to grant a request for issuance of such a subpoena from a party who is, at the time such request is made, represented by an attorney with independent subpoena authority sufficient to issue such a subpoena. Any party aggrieved by the Referee's decision on a subpoena request may petition for review of such decision, but only as a part of any subsequent petition which addresses the Referee's eventual decision on the appeal by way of either an appeal to the Board or a motion to the Referee to reopen, vacate, set aside or modify.

(d) If any person refuses to obey a subpoena issued by the Referee, the Referee may request the Attorney General to make application to the Superior Court for an order requiring such person to appear before the Referee to provide testimony or the physical evidence in question.

Regulations of Connecticut State Agencies

(e) Subject to the approval of the Chairperson of the Board, witnesses appearing before a Referee pursuant to a subpoena issued by the Referee shall be allowed fees as provided by Connecticut law in civil actions.

(f) If the Referee determines that the fair adjudication of an appeal before such Referee requires the issuance of a subpoena in a jurisdiction beyond Connecticut, such Referee shall so inform the Chairperson of the Board of Review and the Chairperson shall thereupon request the appropriate authorities of such jurisdiction to issue the subpoena, or to take such other action as will reasonably resolve the need for same.

(Effective June 23, 1986; Amended June 3, 2021)