

Sec. 31-244-3a. Notice of predetermination hearing

(a) . Predetermination hearings are conducted telephonically. However, the Administrator may prescribe an in-person hearing at his or her discretion, provided if an in-person hearing is requested by either party, the request may not be unreasonably denied by the Administrator. The Administrator shall allow the claimant to participate solely by submitting a statement when the claimant has a compelling personal reason that prevents the claimant's appearance in person or by telephone including but not limited to the claimant's return to employment.

(b) The Administrator shall promptly provide notice of the predetermination hearing to the individual and to the employer, through a mechanism specified by the Administrator, of the date, time and place, if applicable, of the predetermination hearing, as well as a brief statement of the reason for unemployment provided by the claimant to be adjudicated at such hearing.

(c) The hearing notice to the employer shall specify that the employer may elect to participate in a predetermination hearing by telephone or by submitting a response to the hearing notice, and that such response shall contain the employer's account of the circumstances surrounding the individual's separation. The Administrator may provide specific questions to be answered by the employer in the method prescribed by the Administrator. The notice shall specify a time during which the employer's designated representative should be available when telephone participation is elected.

(d) Where technologically feasible, the Administrator may authorize either party to participate in a predetermination hearing by other electronic means.

(e) The hearing notice shall inform the claimant and the employer of their rights in the predetermination hearing including:

- (1) the right to be represented by any person, including an attorney;
- (2) the right to present evidence, documents and witnesses; and
- (3) the right to cross-examine witnesses and parties, so long as the Administrator deems such cross-examination to be appropriate and relevant.

(f) The Administrator shall schedule each predetermination hearing no earlier than the tenth calendar day following the issuance of notice of such hearing.

(g) Where no Notice of Separation is provided to the Administrator, the Administrator shall provide the predetermination hearing notice to the most recent address of record provided by the employer to the Administrator's Employer Status Unit. The Administrator shall provide the notice of the predetermination hearing either to the employer's address that appears on the Notice of Separation (Form UC-61) or, if the employer participates electronically in SIDES, to the employer's most recent electronic address.

(Effective July 1, 1992; Amended October 23, 1996; Amended April 4, 2017)