

Sec. 12-217y-7. Timeliness; evidence of mailing

(a) Materials submitted by the business firm shall be filed timely if the materials are received by the Department's Office of Program Support within the specified time period or bear a legible United States mail postmark which indicates that within such time period it was placed in the possession of the postal authorities for delivery to the Department. If the postmark bears a date that falls beyond the specified time frame, the document shall be considered not timely filed. If the last day of the specified time frame for filing falls on a day when the Department was not open for business, the last day shall be extended to the next business day of the Department. Postage meter postmarks alone, other than those provided by the United States Postal Service, are not acceptable as evidence of timely filing unless received within a reasonable amount of time through the United States Postal Service.

(b) If the envelope has a United States Postal Services postmark in addition to another postmark, the postmark not made by the United States Postal Service or any designated delivery service described in subsection (11) of section 12-217y-1 of the Regulations of Connecticut State Agencies shall be disregarded. Whether the envelope was mailed in accordance with this subsection shall be determined solely on the basis of whether the document was deposited within the prescribed time in the mail in the United States with sufficient postage prepaid.

(c) If the document is sent by United States Registered mail, the date of the registration of the document shall be treated as the postmark date.

(d) If the document is sent by United States Certified mail and the sender's receipt is postmarked by the postal employee to whom such document is presented, the date of the United States postmark on such receipt shall be treated as the postmark date of the document.

(e) In cases where there are multiple United States Postal Service postmarks, the earliest postmark is used to determine the filing date, such as mail that is forwarded from the receiving office to the certifying office.

(f) If the postmark on the envelope is not legible, and the Department has no evidence of receipt within reasonable mail delivery time, the business firm or business firm representative who is required to file the document has the burden of proving the time when the postmark was made. If the cover containing a document bearing a timely postmark made by the United States Postal Service is received after the time when a document postmarked and mailed at such time would ordinarily be received, the sender may be required to prove that it was timely mailed. To establish that proof, the employer or his or her representative must show:

(1) that it was actually deposited in the mail before the last collection of the mail from the place of deposit not later than the last day of the prescribed time frame;

(2) that the delay in receiving the document was due to a delay in the transmission of the mail; and

(3) the cause of such delay.

(Adopted effective October 5, 2000)