

House Study Bill 164

Bill Text

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1 1 Section 1. Section [96.6](#), subsection 3, unnumbered
1 2 paragraph 2, Code 1999, is amended to read as follows:
1 3

~~Appeals~~

- Notwithstanding any provision of section 17A.11 to
1 4 the contrary, appeals from the initial determination shall be
1 5 heard by an administrative law judge employed by the
1 6 department. However, not less than seven days prior to a
1 7 hearing, a party may request that the appeal be heard by an
1 8 administrative law judge employed by the division of
1 9 administrative hearings of the department of inspections and
1 10 appeals. An administrative law judge employed by the
1 11 department shall have the same qualifications as an
1 12 administrative law judge employed by the division of
1 13 administrative hearings of the department of inspections and
1 14 appeals. An administrative law judge's decision may be
1 15 appealed by any party to the employment appeal board created
1 16 in section 10A.601. The decision of the appeal board is final
1 17 agency action and an appeal of the decision shall be made
1 18 directly to the district court.

1 19 Sec. 2. Section [96.7](#), subsection 4, unnumbered paragraph
1 20 3, Code 1999, is amended to read as follows:

1 21 A hearing on an appeal shall be conducted according to
1 22 rules adopted by the department. The rules shall provide,
1 23 notwithstanding any provision of section 17A.11 to the
1 24 contrary, that the hearing shall be conducted by an
1 25 administrative law judge employed by the department. However,
1 26 not less than seven days prior to a hearing, a party may
1 27 request that the appeal be heard by an administrative law
1 28 judge employed by the division of administrative hearings of
1 29 the department of inspections and appeals. An administrative
1 30 law judge employed by the department shall have the same
1 31 qualifications as an administrative law judge employed by the
1 32 division of administrative hearings of the department of
1 33 inspections and appeals. A copy of the decision of the
1 34 administrative law judge shall be sent by regular mail to the
1 35 last address, according to the records of the department, of
2 1 each affected employing unit or employer.

EXPLANATION

2 2
2 3 This bill relates to the employment status and
2 4 qualifications of administrative law judges hearing certain
2 5 administrative appeals involving unemployment compensation
2 6 issues. Code section 96.6, subsection 3, which concerns
2 7 appeals of an initial determination of a benefit decision
2 8 concerning unemployment compensation, and Code section 96.7,
2 9 subsection 4, which concerns appeals of employer liability
2 10 determinations, are both amended by this bill.
2 11 The bill provides that in both instances, appeals shall be
2 12 heard by an administrative law judge employed by the
2 13 department of workforce development notwithstanding any
2 14 provision of Code chapter 17A to the contrary. However, if a
2 15 party so requests at least seven days prior to the hearing,
2 16 the appeal shall be heard by an administrative law judge
2 17 employed by the division of administrative hearings of the
2 18 department of inspections and appeals. The bill also provides

2 19 that administrative law judges employed by the department of
2 20 workforce development shall meet the same qualifications as
2 21 those employed through the division of administrative hearings
2 22 of the department of inspections and appeals.
2 23 LSB 1606HC 78
2 24 ec/cf/24