

APA-1

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control _____ Department or Agency: Dept. of Labor _____

Rule No. 480-1-4-.12 _____

Rule Title: Filing Of An Appeal. _____

_____ New 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 McCormick

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-.12 Filing Of An Appeal.

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
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-.12 Filing Of An Appeal.

(1) A party appealing from a determination of a claims examiner on a claim for unemployment compensation benefits shall file in writing, with the Department of Labor, ~~Industrial Relations Building~~ Hearings and Appeals Division, Montgomery, Alabama 361301 or with a representative of the Department of Labor at a local employment security office, or by telephone to a call center.

(2) A party contesting in any other matter shall file with the Department of Labor, ~~Industrial Relations Building~~ Hearings and Appeals Division, Montgomery, Alabama 361301 or ~~such other office~~ as may be prescribed by statute or rule or as indicated upon official correspondence.

(3) ~~If~~ The appeal shall be filed ~~is~~ in writing, it shall state the facts alleged and the grounds upon which a review is sought. Receipt of the appeal within the time prescribed by statute or rule shall constitute filing.

(4) ~~Call centers will allow the appeal to be filled by telephone if the appealing party personally speaks to Department of Labor personnel. Said appeal will be deemed filed as of the date of that event.~~

Author: Hoyt N. Russell, Division of Hearings and Appeals, Venessa Watkins

Statutory Authority: Code of Ala. 1975, §§25-2-8, 25-4-91; 41-22-12.

History: Effective September 30, 1982. **Amended:** Filed October 23, 2002; effective November 27, 2002. **Amended:** Filed June 15, 2018.