

CHAPTER 27-03-07 SECOND STAGE APPEALS

Section

27-03-07-01	Second Stage Appeals to the Bureau
27-03-07-02	Representation of Claimant in Court - Attorney Fee [Repealed]
27-03-07-03	Representation of Claimant in District Court - Attorney Fee

27-03-07-01. Second stage appeals to the bureau.

1. Any interested party to an appeal referee's decision may, within twelve days after the mailing of the appeal decision, request further review or appeal to the bureau. Such appeal shall be in writing and shall be filed with the local office of the state employment service, or at the office of the unemployment compensation division.
2. The bureau, on its own motion, may initiate a review of the decision of an appeal tribunal. No person shall participate on behalf of the bureau in any case in which the person has a direct or indirect interest.
3. All interested parties shall be notified in writing as to the acceptance of the request for review.
4. All appeals to the bureau may be heard upon the evidence in the record but the bureau, to enable it to determine an appeal, may direct the taking of additional evidence.
5. The bureau, in its discretion, may remand any claim or any issue involved in a claim to the referee for taking of additional evidence. Such testimony shall be taken by the referee in the manner provided for the conduct of appeals before the referee. Upon the completion of the taking of evidence by the referee, the claim or issue involved shall be returned to the bureau for its decision.
6. The decision of the bureau shall be in writing and shall be mailed to all parties in interest. The decision of the bureau shall be final unless within thirty days after the date of mailing or delivery of such decision to the parties in interest, a proceeding for judicial review is initiated.

History: Amended effective August 1, 1978.

General Authority: NDCC 52-06-20

Law Implemented: NDCC 52-04-17, 52-06-10, 52-06-19, 52-06-20, 52-06-21, 52-06-22, 52-06-23, 52-06-24, 52-06-27, 52-07.1-04

27-03-07-02. Representation of claimant in court - Attorney fee.

Repealed effective September 1, 1985.

27-03-07-03. Representation of claimant in district court - Attorney fee.

The claimant's attorney fees paid by the bureau for representation in district court, only if the claimant finally prevails, are those fees charged to the claimant by the attorney and which would otherwise be payable to the attorney by the claimant. The amount of a claimant's attorney fees paid by the bureau may not exceed twenty percent of the amount of benefits at issue in the case. No attorney representing a claimant is entitled to attorney fees from the bureau if the attorney is employed by or a member of the staff of any legal services organization funded totally or in part by public funds.

History: Effective September 1, 1985.

General Authority: NDCC 52-02-02

Law Implemented: NDCC 52-06-32