

2015 Regular Session

HOUSE BILL NO. 772

BY REPRESENTATIVE TIM BURNS

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

UNEMPLOYMENT COMP: Provides relative to unemployment compensation appeals

1 AN ACT

2 To amend and reenact R.S. 23:1634(A), relative to unemployment compensation; to provide
3 for the determination of claims; to provide for appeals; to provide for the judicial
4 review of a board of review decision; to provide for an appeal procedure; and to
5 provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 23:1634(A) is hereby amended and reenacted to read as follows:

8 §1634. Judicial review; procedure

9 A. Within the time specified in R.S. 23:1630, the administrator, or any party
10 to the proceedings before the board of review, may obtain judicial review thereof by
11 filing in the district court of the domicile of the claimant a petition for review of the
12 decision, and in such proceeding any other party to the proceeding before the board
13 of review shall be made a party defendant. If the claimant is not domiciled in
14 Louisiana at the time for filing a petition for review, the petition or request for
15 review may be filed in the district court of the parish in which the claimant was
16 domiciled at the time the claim was filed or in the parish in which the Louisiana
17 Workforce Commission is domiciled. The petition for review need not be verified
18 but shall state the grounds upon which such review is sought. The administrator
19 shall be deemed to be a party to any such proceeding. If the administrator is a party
20 defendant, a certified copy of the petition shall be served upon him by leaving with

1 him, or such representative as he may have designated for that purpose, as many
2 copies of the petition as there are defendants. With his answer or petition, the
3 administrator shall certify and file with the court, within sixty days of service of
4 process, a certified copy of the record of the case, including all documents and
5 papers and a transcript of all testimony taken in the matter, together with the board
6 of review's findings, conclusions, and decision. If the administrator fails to file the
7 record with the court within the time provided herein, the court, upon hearing
8 sufficient evidence, may issue a judgment ~~directing payment of benefits to the~~
9 claimant based on the evidence.

10 * * *

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 772 Original

2015 Regular Session

Tim Burns

Abstract: Provides for judgments in judicial appeals of unemployment compensation cases.

Present law allows any party to the proceedings to seek judicial review of a board of review decision in unemployment compensation disputes. Proposed law retains present law.

Present law requires the executive director of the La. Workforce Commission, acting as the administrator, who is a party to every proceeding, to file his answer to the petition for review along with the case records with the court within 60 days of being served. If the administrator fails to file the required records, the court, upon hearing sufficient evidence, may issue a judgment awarding payment to the claimant.

Proposed law deletes the requirement that the judgment be made in favor of the claimant when the administrator fails to timely file the case records and provides that the court may make a judgment based on the evidence presented.

(Amends R.S. 23:1634(A))