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HOUSE BILL NO. 1639

Offered January 11, 2023

Prefiled January 8, 2023

A *BILL to amend and reenact §§ 60.2-619 and 60.2-620 of the Code of Virginia, relating to unemployment compensation; time to file appeal.*

Patron—Walker

Referred to Committee on Commerce and Energy

Be it enacted by the General Assembly of Virginia:

1. That §§ 60.2-619 and 60.2-620 of the Code of Virginia are amended and reenacted as follows:

§ 60.2-619. Determinations and decisions by deputy; appeals therefrom.

A. 1. A representative designated by the Commission as a deputy, shall promptly examine the claim. On the basis of the facts found by him, the deputy shall either:

a. Determine whether or not such claim is valid, and if valid, the week with respect to which benefits shall commence, the weekly benefit amount payable and the maximum duration thereof; or

b. Refer such claim or any question involved therein to any appeal tribunal or to the Commission, which tribunal or Commission shall make its determination in accordance with the procedure described in § 60.2-620.

2. When the payment or denial of benefits will be determined by the provisions of subdivision A 2 of § 60.2-612, the deputy shall promptly transmit his full finding of fact with respect to that subdivision to any appeal tribunal, which shall make its determination in accordance with the procedure described in § 60.2-620.

B. Upon the filing of an initial claim for benefits, the Commission shall cause an informatory notice of such filing to be mailed to the most recent 30-day or 240-hour employing unit of the claimant and all subsequent employing units, and any reimbursable employing units which may be liable for reimbursement to the Commission for any benefits paid. However, the failure to furnish such notice shall not have any effect upon the claim for benefits.

C. Notice of determination upon a claim shall be promptly given to the claimant by delivering or by mailing such notice to the claimant's last known address. In addition, notice of any determination which involves the application of the provisions of § 60.2-618, together with the reasons therefor, shall be promptly given in the same manner to the most recent 30-day or 240-hour employing unit by whom the claimant was last employed and any subsequent employing unit which is a party. The Commission may dispense with the giving of notice of any determination to any employing unit, and such employing unit shall not be entitled to such notice if it has failed to respond timely or adequately to a written request of the Commission for information, as required by § 60.2-528.1, from which the deputy may have determined that the claimant may be ineligible or disqualified under any provision of this title. The deputy shall promptly notify the claimant of any decision made by him at any time which in any manner denies benefits to the claimant for one or more weeks.

D. Such determination or decision shall be final unless the claimant or any such employing unit files an appeal from such determination or decision (i) within ~~30~~ 15 calendar days after the delivery of such notification, (ii) within ~~30~~ 15 calendar days after such notification was mailed to his last known address, or (iii) within ~~30~~ 15 days after such notification was mailed to the last known address of an interstate claimant. For good cause shown, the ~~30-day~~ 15-day period may be extended. A claim that the Commission has determined to be invalid because of monetary ineligibility shall first be subject to review only upon a request for redetermination pursuant to § 60.2-629. The Commission shall issue a new monetary determination as a result of such review, and such monetary determination shall become final unless appealed by the claimant within ~~30~~ 15 days of the date of mailing. The Commission shall clearly set out the process for requesting a redetermination and the process for filing an appeal on each monetary determination issued. Monetary ineligibility does not include an appeal on the effective date of the claim, unless the claimant has requested and received a redetermination of the monetary determination pursuant to § 60.2-629.

E. Benefits shall be paid promptly in accordance with a determination or redetermination under this chapter, or decision of an appeal tribunal, the Commission, the Board of Review or a reviewing court under §§ 60.2-625 and 60.2-631 upon the issuance of such determination, redetermination or decision, regardless of the pendency of the period to file an appeal or petition for judicial review that is provided in this chapter, or the pendency of any such appeal or review. Such benefits shall be paid unless or until such determination, redetermination or decision has been modified or reversed by a subsequent

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59 redetermination or decision, in which event benefits shall be paid or denied for weeks of unemployment
60 thereafter in accordance with such modifying or reversing redetermination or decision. If a decision of
61 an appeal tribunal allowing benefits is affirmed in any amount by the Commission, benefits shall
62 continue to be paid until such time as a court decision has become final so that no further appeal can be
63 taken. If an appeal is taken from the Commission's decision, benefits paid shall result in a benefit charge
64 to the account of the employer under § 60.2-530 only when, and as of the date on which, as the result
65 of an appeal, the courts finally determine that the Commission should have awarded benefits to the
66 claimant or claimants involved in such appeal.

67 **§ 60.2-620. Hearing and decision on appeal.**

68 A. Appeals filed under § 60.2-619 shall be heard by an appeal tribunal appointed pursuant to
69 § 60.2-621. Such appeal tribunal, after affording the claimant and any other parties reasonable
70 opportunity for a fair hearing, shall have jurisdiction to consider all issues with respect to the claim
71 since the initial filing thereof. Such tribunal shall affirm, set aside, reverse, modify, or alter the findings
72 of fact and decision of the deputy, and may enter such order or decision with respect to the claim as
73 such appeal tribunal finds should have been entered. However, no such order or decision shall affect
74 benefits already paid except in accordance with the provisions of § 60.2-633.

75 B. The parties shall be duly notified of such tribunal's decision, together with its reasons therefor,
76 which shall be deemed to be the final decision of the Commission, unless within ~~thirty~~ 15 days after the
77 date of notification or mailing of such decision, further appeal is initiated pursuant to § 60.2-622.
78 However, for good cause shown the ~~thirty-day~~ 15-day period may be extended.