

APPEALS BOARD

The California Unemployment Insurance Appeals Board hears and decides appeals and petitions in the areas of Unemployment Insurance and Disability Insurance benefits, and employment tax liability. The Board consists of seven members who serve four-year staggered terms of office. Five members are appointed by the Governor, and one each by the Senate Rules Committee and the Speaker of the Assembly.

An independent agency, the Appeals Board is not responsible to the Director of the Employment Development Department (EDD) for its operations and decisions. This impartial status is a distinctive feature of the Unemployment Insurance program in California. Each employee or employer appearing before the Appeals Board has the benefit of an independent judgment.

EDD is required by statute to provide equipment, supplies, and operating services for the Board. Both agencies are subject to the same fiscal controls and audits.

Appeals Procedure

Filing of an appeal or a petition (in tax cases) is informal and no special form is required. If desired, however, prepared forms for filing appeals are available at local EDD offices. Appeals and petitions must be in writing and should contain a statement of grounds or reasons for appeal or petition. They also must contain information identifying the appellant or petitioner and any opposing party.

Administrative Law Judges

The Board's Administrative Law Judges (ALJs) hear and decide appeals and petitions in the areas of Unemployment Insurance (UI) and Disability Insurance (DI) benefits and employment tax cases. They are concerned with questions of eligibility or disqualification for benefits, and liability for employment tax contributions and Personal Income Tax withholding.

ALJs conduct hearings that are designed to provide due process of law to the parties to appeals and petitions. The formal and technical rules of evidence do not apply in the hearings, and the ALJs will assist unrepresented parties in presenting their cases.

Parties appearing at hearings have the right to:

- Advance notice of the hearing and the issues that will be considered.
- Present evidence on their own behalf.
- Subpoena witnesses and documents.
- Rebut unfavorable evidence and to cross examine adverse witnesses.
- A written decision based solely on the record produced at the hearing, which sets forth the findings of fact upon which the decision is based and application of the facts to the legal provisions used to decide the case.

Appeals Board Responsibilities

The Appeals Board reviews decisions rendered by field ALJs assigned to the various Offices of Appeal throughout the state. The Board may affirm, reverse, modify, set aside, or remand a decision. The Board does not conduct hearings, but reviews the record produced at the ALJ hearing. The Board generally will not consider any evidence that could have been produced at the hearing.

Cases pending before the Board are randomly assigned to two member panels for consideration and decision. This is done in conformity with a statutory requirement that tends to equalize the workload of the members and assures that there is never a fixed and continuous composition of members.

A decision of any two members assigned a case is the decision of the Board. However, any case will be considered by the whole Board at the request of any one member. Decisions of the Board acting as a whole are by majority vote.

The Board acting as a whole may designate its decisions as precedent decisions. Precedent decisions constitute the foundation of the various benefit programs that fall within the Board's jurisdiction. All precedent decisions must be published and available to the public. They are binding on the ALJs and EDD. All decisions of the Appeals Board are final except for filing an action in Superior Court.

Educational Programs

The Appeals Board offers educational programs providing speakers and educational materials to labor, management, and other groups interested in appeals procedures, processes, and laws in these specific areas. They also offer special publications on Appeals Board rules, procedures for filing an appeal, résumés of precedent decision, and current articles on Unemployment Insurance and Disability Insurance.

These pamphlets can be obtained from the Field Office Headquarters, 2400 Venture Oaks Way, Suite 200, Sacramento, CA 95833.

The Appeals Board's headquarters is located in Sacramento. Offices of Appeal are located in Fresno, Inglewood, Los Angeles, Oakland, Orange County, Oxnard, Pasadena, Rancho Cucamonga, Sacramento, San Diego, San Francisco, and San Jose.