

Sec. 31-237g-17. Scheduling of hearing; intrastate; interstate; telephone hearing; notice of hearing

(Statutory reference: 31-237j, 31-242, 31-244a)

- a. Upon receipt of an intrastate appeal to the Referee Section from a determination of the Administrator, the Referee Section shall assign the appeal a case number and promptly schedule a hearing upon such appeal at a location and in a manner that is reasonably convenient for the parties. In the scheduling of such hearings primary consideration shall be given to the goal of prompt disposition of appeals, the normal hours, days of the week and locations established for conducting such hearings, the proximity of the hearing location to the Employment Security office where the initial claim for benefits was filed and the administrative limitations and needs of the Referee Section, but hearings may be scheduled at such times, dates, places and in such manner as the Referee Section deems necessary to give each party a reasonable opportunity for a fair hearing. To the extent practicable and reasonable under the circumstances of each intrastate appeal, in-person hearings, whereby all parties and witnesses are expected to be physically present at the same hearing location, shall be the preferred manner of scheduling and conducting intrastate hearings, but the Appeals Division may, on its own initiative or upon the timely request of a party made prior to the hearing which shows good cause therefor, make arrangements for conducting a telephone hearing on an intrastate appeal whereby some or all of the parties and witnesses testify by telephone, subject to the availability of sufficient telephone lines at the hearing location. If the Referee determines that the ends of justice so require, the Referee, during the course of the hearing, may take by telephone the testimony of any witness not physically present at the hearing. For purposes of this section, good cause includes, but is not limited to:
 - i. excessive distance to the hearing location.
 - ii. physical disability.
 - iii. transportation difficulties.
 - iv. security concerns.
 - v. the need for multiple witnesses, especially where the requesting party would be unduly burdened or where a particular witness is only needed for a discrete issue.
 - vi. testimony will be taken only on a procedural issue or issue of marginal relevance.
 - vii. a party has previously suffered extreme inconvenience in connection with the scheduling of the hearing.In any circumstance in which a party would be entitled to a postponement, the Appeals Division shall not deny the party the right to participate by telephone unless it offers the party a postponement.
- b. Upon receipt of an interstate appeal to the Referee Section from a determination of the Administrator, the Referee Section shall promptly schedule a telephone hearing upon such appeal whereby all parties are expected to participate simultaneously in the hearing by telephone. To the extent practicable and

reasonable under the circumstances of each interstate appeal, telephone hearings shall be the preferred manner of scheduling and conducting interstate appeal hearings provided that any party to the appeal or its attorney or authorized agent may, after providing notice to the office of the Appeals Division which scheduled the appeal, appear in person at the hearing on the appeal. The notice of any telephone hearing shall inform the parties of their right to appear in person.

- c. Written notice of the day, date, time, manner and location of each hearing scheduled before a Referee shall be mailed to each party and the attorney and authorized agent of record for such party not less than five (5) days prior to the scheduled hearing date provided the parties may waive such notice and agree to a shorter period of time in advance of hearing for receiving such notice. Each such written notice shall:
 1. be prepared in accordance with Section 31-237g-13(a) of these regulations;
 2. list the telephone number of the Appeals Division office which issued the notice;
 3. contain, or be accompanied by, a written statement which summarizes the basic rights and responsibilities of the parties pursuant to these regulations concerning such hearing;
 4. provide notice of the issues which may be covered at such hearing and the sections of the Connecticut General Statutes or other law relating to such issues including a statement as to the legal authority and jurisdiction under which the hearing is to be held;
 5. in the case of a telephone hearing, be accompanied by clearly identified copies of all pertinent Appeals Division records concerning such appeal.

(Effective October 27, 1997)