

Sec. 31-237g-7. Appeals Division records

(Statutory reference: 1-18d, 4-18d, 1-19(b)(2), 31-244a, 31-254)

- a. The Appeals Division shall maintain written file records summarizing all material requests, reports, notifications and decisions which occur pursuant to these regulations in an oral manner between the Appeals Division and any person outside the Appeals Division concerning any appeal before the Appeals Division, provided that any such person initiating such communication with the Appeals Division identifies himself or herself, the appeal name and number in question, and his or her relationship to such appeal. All oral requests which, pursuant to these regulations, are considered by the Appeals Division, shall be promptly decided and the person making such request shall be promptly notified of such decision. The file record summarizing all such oral communication shall indicate: the date and time such communication occurred; the name and case number of the appeal involved; the identity of the Appeals Division staff member involved; the name, telephone number, title and relationship to the appeal of the other person involved in such communication; the report, request, notification or decision in such communication; the response, if any, to such report, request, notification or decision. Except for communications dealing with procedural or scheduling matters, the Appeals Division shall not engage in any ex parte oral communication with any person outside the Appeals Division concerning the substantive merits of any particular appeal pending before the Appeals Division unless all parties either are permitted to simultaneously participate in such communication, or have waived their right to so participate. The Appeals Division shall document for the file record the attempt of any person to engage in such an ex parte oral communication on the substantive merits of any such appeal.
- b. Each document or item of written correspondence concerning an appeal before the Appeals Division shall immediately be: (1) date-stamped on the front page upon receipt by the Appeals Division or Employment Security office involved to indicate the date when, and the office where, such document or correspondence was actually received, (2) forwarded to the Appeals Division office involved, and (3) included in the appropriate appeal file upon receipt by such Appeals Division office. The written information, exhibits, data, and other documentary file records of any appeal before the Appeals Division shall, subject to the provisions of subsection (c) and (d) of this section and except for those items exempt from disclosure pursuant to the Freedom of Information Act, be available for inspection upon the premises of the Appeals Division office containing such material during regular Appeals Division hours. At any time subsequent to the decision on an appeal becoming final, any party to such an appeal, or the attorney or authorized agent for such party, may in writing request the return of any original documentary exhibits filed with the Appeals Division concerning such appeal and, subject to the provisions of subsection (c) hereunder, the

Appeals Division shall return such original documents to the requesting party after insuring that duplicates of such documents are maintained in the file record. To facilitate a timely response, each such written request should be prepared in accordance with Section 31-237g-7(j) of these regulations, but any document which constitutes such a written request within the meaning of the Freedom of Information Act shall be acceptable.

- c. Except as provided in Section 31-237g-6(c) of these regulations, and subsection (d) of this provision hereinafter set forth, all written information, exhibits, data and other documentary file records of any appeal before the Appeals Division may be destroyed by the Appeals Division if the decision upon such appeal has become final, the appeal has been on file with the Appeals Division for no less than three years, and the destruction is done in accordance with the applicable federal and state records retention statutes.
- d. The Appeals Division may, six months after the hearing on a case that has not been appealed to the Board, erase the official tape hearing record and reuse such tape cassette cartridge for new appeal hearings, provided that such erasure is done in compliance with the applicable Federal and State records retention statutes and a cassette tape duplicate of such official tape hearing record of any hearing held before the Appeals Division shall be promptly prepared and furnished to any person who, prior to such erasure, files with the Board a written request for such a cassette tape duplicate. To facilitate a timely response, each such written request should be prepared in accordance with Section 31-237g-7(j) of these regulations, but any document which constitutes such a written request within the meaning of the Freedom of Information Act shall be acceptable.
- e. Copies of any decision subject to inspection pursuant to Sections 31-237g-6(b) and 31-237g-6(c) of these regulations shall be promptly furnished by the Board to any person who files with the Board a written request for such decision copies. To facilitate a timely response each such written request should be (1) prepared in accordance with Section 31-237g-7(j) of these regulations; (2) specifically identify each such decision by name, case number and date of issuance, and (3) contain an agreement to pay the duplication charges authorized in subsection (i) below, but any document which constitutes such a written request within the meaning of the Freedom of Information Act shall be complied with.

Requests for copies of nonexempt data contained in the Appeals Division's computer storage system will be honored in accordance with Section 1-19a(a) of the General Statutes.

- f. Copies of any documents subject to inspection pursuant to subsection (b) above shall be promptly furnished by such Appeals Division office to any person who files with such office a written request for such document copies. To facilitate a

- timely response each such written request should (1) be prepared in accordance with Section 31-237g-7(j) of these regulations, (2) specifically identify each such document, and (3) contain an agreement to pay the duplication charges authorized in subsection (i) below, but any document which constitutes such a written request within the meaning of the Freedom of Information Act shall be complied with.
- g. The Appeals Division may prepare or cause to be prepared by a commercial transcription service and furnish to any party, or the attorney or authorized agent for such party, a typed transcript of the official hearing record of any hearing held before the Appeals Division if an appeal is taken from the decision of the Referee or the Board and the Referee or the Board determines, upon its own motion or upon a written request filed during the pendency of such appeal by a party or the attorney or authorized agent for such party, that the ends of justice warrant and the administrative capabilities and obligations of the Appeals Division at that time feasibly permit the preparation and furnishing of such a transcript. Any such written request should (1) be prepared in accordance with Section 31-237g-7(j) of these regulations, (2) explain the good cause alleged to support the requirement of preparing and furnishing such a transcript, and (3) contain the requesting party's agreement to pay the actual cost of preparing the transcript. The cost for the preparation and furnishing of any transcript shall be set and paid in accordance with subsection (i) below.
 - h. The request, or inability, to (1) inspect the Appeals Division file pursuant to subsection (b) above, (2) obtain a cassette tape duplicate of the official cassette tape hearing record pursuant to subsection (d) above, (3) obtain duplicate copies of decisions pursuant to subsection (e) above, (4) obtain duplicate copies of documentary file records pursuant to subsection (f) above, or obtain a transcript pursuant to subsection (g) above, shall not stay or toll any time limitations relating to proceedings upon an appeal before the Appeals Division. However, a party, or the attorney or authorized agent for such party, may, pursuant to these regulations, request a postponement of proceedings or a limited extension of time in which to supply, based upon review of such requested file records, hearing records, decisions or transcript, further argument or information supplementing any appeal, motion, request or other correspondence which is timely filed concerning such appeal.
 - i. Duplication charges for plain copies of decisions subject to inspection pursuant to Sections 31-237g-6(b) and (c) of these regulations or any documentary file record subject to inspection pursuant to subsection (b) above shall be set and paid in accordance with the appropriate provisions of the Connecticut General Statutes. The charge for preparing and furnishing duplicates of the official cassette tape hearing record shall be five dollars (\$5.00) per cassette tape cartridge, provided that if more than one cassette cartridge is needed to cover the hearing(s) involved the

total charge for the duplication of such tapes shall not exceed ten dollars (\$10.00). Charges for the preparation of transcripts shall be the actual cost of preparing each such transcript. The party, attorney or authorized agent who pursuant to this section, files the request for a duplicate or transcript shall be responsible for payment to the Appeals Division of all duplication charges arising consequent to such request. Charges for copies of data maintained in the Appeals Division's computer storage system shall be in accordance with the applicable provisions of the General Statutes. The Appeals Division may require advance payment of any duplication charges or transcript preparation charges estimated to be ten dollars or more before preparing and furnishing such duplications or transcripts. Any provision of this subsection or the subsections above to the contrary notwithstanding, if the Appeals Division determines that the party requesting such decision or file record copies, official cassette tape duplicates or transcript is an indigent individual, or that waiver of such duplication charges would benefit the general welfare, then the Appeals Division may waive the duplication charges, or any part thereof.

- j. To facilitate a timely response, each request for Appeals Division records filed pursuant to this section should (1) be on a separate sheet or sheets of paper independent from other documents; (2) be typed or legibly printed; (3) be adequately titled at the top center of the document's first page so as to clearly reveal its intended purpose; (4) contain sufficient identifying information to describe the file involved including the case number; the claimant's name, address, zip code and social security number, if applicable; the employer's name, address, zip code and employment security registration number, if applicable; (5) show the name, address and identity (for example: "claimant," "employer," or "Administrator") of the party filing such document; (6) clearly specify the record or records being requested; (7) be signed by the party filing such document or the attorney or authorized agent for such party, but any document which constitutes such a written request within the meaning of the Freedom of Information Act shall be acceptable insofar as form is concerned.

(Effective October 27, 1997)