



General Assembly

January Session, 2007

**Amendment**

LCO No. 7674

**\*SB0129207674SD0\***

Offered by:  
SEN. PRAGUE, 19<sup>th</sup> Dist.

To: Senate Bill No. 1292

File No. 689

Cal. No. 534

**"AN ACT CONCERNING THE ALTERNATIVE BASE PERIOD FOR PURPOSES OF UNEMPLOYMENT COMPENSATION."**

1 After the last section, add the following and renumber sections and  
2 internal references accordingly:

3 "Sec. 501. Section 31-249b of the general statutes is repealed and the  
4 following is substituted in lieu thereof (*Effective October 1, 2007*):

5 At any time before the board's decision has become final, any party,  
6 including the administrator, may appeal such decision, including any  
7 claim that the decision violates statutory or constitutional provisions,  
8 to the superior court for the judicial district of Hartford or for the  
9 judicial district wherein the appellant resides. Any or all parties  
10 similarly situated may join in one appeal. In such judicial proceeding  
11 the original and five copies of a petition, which shall state the grounds  
12 on which a review is sought, shall be filed in the office of the board.  
13 The chairman of the board shall, within the third business day  
14 thereafter, cause the original petition or petitions to be mailed to the  
15 clerk of the Superior Court and copy or copies thereof to the

16 administrator and to each other party to the proceeding in which such  
17 appeal was taken; and said clerk shall docket such appeal as returned  
18 to the next return day after the receipt of such petition or petitions. In  
19 all cases, the board shall certify the record to the court. The record shall  
20 consist of the notice of appeal to the referee and the board, the notices  
21 of hearing before them, the referee's findings of fact and decision, the  
22 findings and decision of the board, all documents admitted into  
23 evidence before the referee and the board or both and all other  
24 evidentiary material accepted by them. Upon request of the court, the  
25 board shall (1) in cases in which its decision was rendered on the  
26 record of such hearing before the referee, prepare and verify to the  
27 court a transcript of such hearing before the referee; and (2) in cases in  
28 which its decision was rendered on the record of its own evidentiary  
29 hearing, provide and verify to the court a transcript of such hearing of  
30 the board. In any appeal, any finding of the referee or the board shall  
31 be subject to correction only to the extent provided by section 22-9 of  
32 the Connecticut Practice Book. Such appeals shall be claimed for the  
33 short calendar unless the court shall order the appeal placed on the  
34 trial list. An appeal may be taken from the decision of the Superior  
35 Court to the Appellate Court in the same manner as is provided in  
36 section 51-197b. It shall not be necessary in any judicial proceeding  
37 under this section that exceptions to the rulings of the board shall have  
38 been made or entered and no bond shall be required for entering an  
39 appeal to the Superior Court. Unless the court shall otherwise order  
40 after motion and hearing, the final decision of the court shall be the  
41 decision as to all parties to the original proceeding. In any appeal in  
42 which one of the parties is not represented by counsel and in which the  
43 party taking the appeal does not claim the case for the short calendar  
44 or trial within a reasonable time after the return day, the court may of  
45 its own motion dismiss the appeal, or the party ready to proceed may  
46 move for nonsuit or default as appropriate. When an appeal is taken to  
47 the Superior Court, the clerk thereof shall by writing notify the board  
48 of any action of the court thereon and of the disposition of such appeal  
49 whether by judgment, remand, withdrawal or otherwise and shall,  
50 upon the decision on the appeal, furnish the board with a copy of such

51 decision. The court may remand the case to the board for proceedings  
52 de novo, or for further proceedings on the record, or for such limited  
53 purposes as the court may prescribe. The court also may order the  
54 board to remand the case to a referee for any further proceedings  
55 deemed necessary by the court. The court may retain jurisdiction by  
56 ordering a return to the court of the proceedings conducted in  
57 accordance with the order of the court or the court may order final  
58 disposition. A party aggrieved by a final disposition made in  
59 compliance with an order of the Superior Court, by the filing of an  
60 appropriate motion, may request the court to review the disposition of  
61 the case."