

**Testimony Before the Labor Committee from
Maura Crossin, Quinnipiac University School of Law Civil Justice Clinic**

Regarding HB 5232

March 8, 2012

Good afternoon distinguished Committee members. My name is Maura Crossin and I am a 2nd Year law student at Quinnipiac University School of Law and a lifelong resident of Bridgeport, Connecticut. I am also a student in the Law School's Civil Justice Clinic, which has concerns about HB 5232, An Act Concerning Hearings before the Administrator and the Employment Security Appeals Division under the Unemployment Compensation Act.

The Civil Justice Clinic regularly represents low-income clients at in-person hearings before Appeals Referees. We know the importance of these in-person hearings: given the cursory review at the Administrator stage of the application process, and standard of review at the Board of Review stage, an in-person hearing is often our clients' one and only shot at the unemployment benefits they need to keep from falling deeper into poverty.

I. No Presumption Against In-Person Hearings Before Referee

HB 5232 appears to create a presumption against in-person hearings before the Administrator (i.e., telephonic hearings are the "default"). The bill does not appear to do so for an Appeals Referee. We agree that there should be *no* presumption against an in-person hearing before a Referee, and request that this be made explicit.

II. Notice to Claimants

Assuming there is no presumption against in-person hearings and a claimant is free to choose one option over the other, HB 5232 does not explain how a claimant (especially a self-represented one) is notified of these options and how he or she indicates a preference. We request that the bill make clear that a claimant applying for a hearing before the Appeals Referee: (i) must be notified of the option to proceed in-person or telephonically; (ii) must select one of these two options; and (iii) must notify the Appeals Division if he or she wishes to select the alternative option.

III. No Discretion to Deny In-Person Hearings Before Referee

HB 5232 appears to give the Administrator the discretion to deny an in-person hearing to a person who requests one. It is unclear whether HB 5232 gives the Appeals Referee the same discretion to deny an in-person hearing to a person who requests one. We request that the bill make explicit that the Appeals Referee must schedule an in-person hearing when the claimant selects this option.