

North Carolina Department of Commerce
Division of Employment Security
Unemployment Insurance



State of North Carolina
Board of Review

IN THE MATTER OF

Higher Authority Decision No.

Attn:

Claimant

Employer

Pursuant to N.C.GEN.STAT. §96–15 (e), this cause came before the Board of Review (“Board) to consider the ‘**S APPEAL**’ from (a decision) (an Order for Dismissal) by Appeals Referee under Appeals Docket No.

N.C. GEN. STAT. §96–15 C, in pertinent part, provides:

Whenever an appeal is taken from the decision of the appeals referee or hearing officer; the appealing party shall submit a clear written statement containing the grounds for the appeal within the time allowed by law for taking the appeal, and if such timely statement is not submitted, the Board of Review may dismiss the appeal.

Pursuant to 04 N.C. Admin. Code 24C .0501, it appears from the record that the parties were informed of the “grounds” requirement on page(s) of the (decision) (order) of the Appeals Referee, mailed to all interested parties on . The following repeal rights information appeared:

This decision is the final decision of the Division unless within ten (10) days from the date it was mailed, the appealing party submits a clear, written statement containing the grounds for the appeal. If such timely statement is not submitted the appeal may be dismissed.

It also appears from the records that the following verbatim statement was received from the (claimant) (employer):

The above statement clearly fails to state any grounds for the (claimant’s) (employer’s) appeal. Consequently it does not meet the mandatory requirement of N. C. Gen. Stat. §96–15 C and 04 N.C. Admin. Code 24C. 0501 that a clear written statement of the grounds for the appeal to be filed. The appeal may be dismissed for this reason. The Board in its discretion concludes that the appeal will be dismissed.

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The () 's appeal is **DISMISSED**.

The Appeals Referee's (decision) (Order for Dismissal) is **FINAL**.

Board of Review members (John Doe) and (Jane Smith) participated in this appeal and concur with this decision.

This the (DATE) .

BOARD OF REVIEW

Chairman on behalf of the Board of Review

NOTE: This Higher Authority Decision will become final thirty (30) days after mailing unless a petition for judicial review is filed with the superior court as indicated below. The date of mailing is found on the last page of this decision. Although the Board does not impart legal advice, please see the enclosed pamphlet for additional guidance on how to appeal a Higher Authority Decision. The pamphlet is available in the public employment offices throughout the State, and on the Division of Employment Security's website. You may also visit the *Frequently Asked Questions* section on the Division of Employment Security's website at www.des.nc.gov, and consult an attorney of your choosing.

APPEAL RIGHTS FOR JUDICIAL REVIEW

Appeals from this Higher Authority Decision must be filed with the Clerk of Superior Court by the petitioner in the county in which he or she resides, or in which the petitioner has its principal place of business. If a party does not reside in any county or have a principal place of business in any county in North Carolina, appeals must be filed with the Clerk of Superior Court of Wake County, North Carolina or with the Clerk of Superior

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Court of the North Carolina county in which the controversy arose.

This Higher Authority Decision will become final thirty (30) days after mailing unless a timely petition for judicial review is filed with the superior court pursuant to N.C. Gen. Stat. §§ 96-15(h) and (i).

Copies of any Petition for Judicial Review filed with the Clerk of Superior Court must be served upon the Division of Employment Security ("Division") and upon all parties of record to the proceedings within ten (10) days of the filing of the petition. Copies of the petition must be served by personal service or by certified mail, return receipt requested. Petitions for superior court review must be served on and addressed to the registered agent for service of process for the Division:

John Q. Lawyer
General Counsel
North Carolina Department of Commerce
Division of Employment Security
Post Office Box 25903
Raleigh, NC 27611-5903

NOTE: If you are served with a Petition for Judicial Review by another party, you will not be a party to the judicial review proceedings unless you: (1) notify the superior court within ten (10) days after you receive the petition that you want to become a party to the proceedings, or (2) file a motion to intervene as provided in N.C. Gen. Stat. § 1A-1, Rule 24.

NOTICE TO ALL INTERESTED PARTIES

A legal representative as defined in 04 N.C. Admin. Code 24A .0105(a)(32) (including individuals from a third party company serving as an employer's unemployment insurance administrator) must be a licensed attorney, or a person supervised by a licensed attorney in accordance with N.C. Gen. Stat. Ch. 84 and § 96-17(b). Notices and/or certification of attorney supervision must be in writing pursuant to 04 N.C. Admin. Code 24C .0504. **Legal representation in judicial proceedings must comply with N.C. Gen. Stat. Ch. 84.**

Pursuant to 04 N.C. Admin. Code 24C .0504, when a party has a legal representative, all documents or information required to be provided to the party will only be sent to the legal representative. Any information provided to a party's legal representative will have the same force and effect as if it had been sent directly to the party.

For claims filed on or after June 30, 2013, claimants are subject to repayment of benefits received from any administrative or judicial decision that is later reversed on appeal. N.C. Gen. Stat. § 96-18(g)(2).

Appeal Filed:

Decision Mailed:

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