

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 **(claimant’s) (employer’s) appeal** from a decision by Appeals Referee under Appeals Docket No. . The record evidence has been reviewed in its entirety.

A review of the record reveals that the Appeals Referee’s findings of fact are woefully insufficient to resolve the issues on appeal. Pursuant to 04 N.C. Admin. Code 24C .0212(a)(2), the Appeals Referee was required to make adequate findings of fact for a resolution of the case. The Appeals Referee failed to do so. The Appeals Referee must review the record of the hearing to determine whether the record contains sufficient information to write adequate and sufficient findings of fact. Specifically, the Appeals Referee is directed to make findings of fact...

Based on the foregoing, the cause must be remanded to the Appeals Referee to perform (his) (her) statutory duties in accordance with N.C. Gen. Stat. § 96-15(c), and as described in the preceding paragraph(s).

If the record lacks the information to comply with this order as described above, the Appeals Referee is directed to reconvene the hearing to properly develop the record. The Appeals Referee must issue a new decision with new findings of fact and conclusions of law. The findings of fact shall state the procedural history of the remands, a summary of the requirements of the remand orders, and the parties and witnesses appearing at each hearing conducted in the matter. The Appeals Referee may incorporate previous findings of fact into the new decision in the interest of judicial economy. Additional findings must be made, and it must be evident from the new decision that the Appeals Referee considered the evidence, and complied with the remand order of the Board.

If the hearing is reconvened in this matter, all interested parties shall be duly notified as to time and place for rehearing, and the Appeals Referee shall identify the new decision at the conclusion of the remanded hearing by using all previously assigned docket numbers.

**IMPORTANT – SEE FOLLOWING PAGE**



All documents contained in the record shall be transmitted to the Appeals Referee with this decision, including the appeal and all other correspondence or documents by whatever name or designation, shall be marked as exhibits and entered into the record by the Appeals Referee on remand to complete the record as required by law.

The Appeals Referee must mail a new decision in this matter, consistent with this remand order within 15 days from the date of receipt of the remanded record in the Appeals Section, unless an extension is granted by the Chief Appeals Referee and made part of the record.

The cause is **REMANDED** for further proceedings consistent with this decision.

Board of Review members Susan Doe and John Doe participated in this appeal and concur with this decision.

This the .

BOARD OF REVIEW

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Chairman

**NOTICE TO ALL INTERESTED PARTIES**

A legal representative as defined in 04 N.C. Admin. Code 24A .0105(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: