

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.

The (claimant) (employer) asserts in (his) (her) (its) appeal that (he) (she) (it) received (no notice of the scheduled hearing) (notice of the scheduled hearing after the date that the hearing took place). The (claimant) (employer) further explains that

The Board concludes that the (claimant) (employer) has shown good cause as defined in 04 N.C. Admin. Code 24A .0105(26) for (his) (her) (its) failure to appear to participate in the hearing. Good cause must be a legally sufficient reason amounting to a legal excuse for failing to perform an act required by law in the exercise of due diligence. “Due diligence” means the measure of carefulness, precaution, attentiveness, and good judgment expected from, and exercised by a reasonable and prudent person under the particular circumstances. N.C. Admin. Code 24A .0105(21). Based on the foregoing, the cause must be remanded to the Appeals Referee to conduct a **de novo hearing**.

At the conclusion of the hearing on remand, the Appeals Referee must set aside the decision and issue a new decision with new findings of fact and conclusions of law. These findings of fact shall state the procedural history of the case, including all orders for continuances and remands, reasons for remands, a summary of the requirements of the remand orders, and the parties and witnesses appearing at each of the hearings that were conducted in the matter.

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

IMPORTANT – SEE FOLLOWING PAGE



IT IS ORDERED that all interested parties shall be duly notified as to the time and place of the hearing on remand, and the Appeals Referee shall identify the new decision at the conclusion of the hearing by using all previously assigned docket numbers.

IT IS ALSO ORDERED that all documents of the remanded record transmitted to the Appeals Section with this decision shall be forwarded to the Appeals Referee along with the notice of the hearing, and said documents shall be marked as exhibits and entered into the record by the Appeals Referee on remand to complete the record as required by law.

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

This the .

BOARD OF REVIEW

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: