

UNEMPLOYMENT COMPENSATION COMMISSION OF NORTH CAROLINA

INTERPRETATION NO. 18

TO: Mr. P. F. Martin, Director UC Division

FROM: W. D. Holoman, Senior Attorney

SUBJECT: Commission Records Shall Show True Status of Employing Unit

At your request we hereby give you the legal department's opinion in regard to the records of this Commission showing the true status of an employing unit.

From time to time we have had requests from partnerships consisting of several different partners who ask that we show on our records the name of only one of the partners as usually such partnership is operated in the name of only one of the partners. We cannot recommend this procedure for several reasons. If a partnership is composed of two or three individuals, then our records should not show that the partnership is operating in the name of one individual alone, but the names of all the individuals should appear on our records. If we show the name of only one partner, it would actually appear as if the business was operated by a sole owner. We could also easily get in difficulty on the collection of delinquent taxes if our records were set up in the name of the one partner, then it is doubtful whether or not we could docket a judgment against the partners even though they would be legally responsible for the delinquent taxes. In addition to this, it appears that it would be a very bad practice as all public records show the true nature and true status of ownership.

Adopted as an official interpretation by the Commission on January 25, 1944.
(Replaces Legal Department Ruling No. 10, dated January 7, 1943)