

DIVISION OF EMPLOYMENT SECURITY
NC DEPARTMENT OF COMMERCE

PRECEDENT DECISION NO. 10

IN RE LEE

(Adopted April 17, 1984)

This cause came on for consideration on the 29th day of March 1984, by the undersigned upon an appeal from the decision rendered by Appeals Referee, Albert Jerome Williams, Jr. When this matter came on for argument, the following person(s) appeared representing their respective interests: John Doe, representative for employer.

In this matter, the employer has alleged that a prospective witness was intimidated by the claimant and would not appear before the Appeals Referee because of threats made by him to her. The claimant admits saying to her "I'll make sure . . . I won't forget this, I'm going to keep my eye on you," and "I'll be watching you" when informed by her that she was going to report him for sleeping. The undersigned concludes that there is a reasonable basis to support the employer's allegation that its witness was intimidated.

It is the policy of this Commission that reasonable measures will be taken to protect and ensure that any witness can be able to testify before the Commission without fear or subject to intimidation. To that end, the Appeals Referee assigned to a case shall take whatever reasonable steps are necessary to ensure such testimony in the event there is a reasonable basis to believe intimidation or threats have occurred. In most cases, the simplest measure is to arrange for a telephone hearing. This decision is therefore vacated, and the matter is remanded for a telephone hearing.

It is now, therefore, ordered that the undersigned, having reviewed the evidence in the record, does hereby vacate the decision of the Appeals Referee and remand the cause for a telephone hearing and decision.