INDIANA
WORKFORCE
DEVELOPMENT
AND ITS WorkOne CENTERS

TO: Indiana's Workforce Investment System

FROM: Teresa L. Voors
Commissioner, Indiana Department of Workforce Development

THROUGH: Dustin Stohler
General Counsel

DATE: January 2, 2009

SUBJECT: DWD Policy 2008-29
Hearings and Decisions by a Liability Administrative Law Judge

Purpose
To outline procedures for hearings before and decisions by a liability administrative law judge

Rescission
None

Contents
Because employers should have a forum in which they can protest determinations made by the Department, the Indiana Department of Workforce Development (IDWD) provides for hearings and decisions by a liability administrative law judge (LALJ).

Any protest by an employer to a determination of IDWD with respect to the assessments of contributions, penalties, and interest; the transfer of charges from an employer's account; merit rate calculations; successorships; the denial of claims for refunds and adjustments; or a determination under IC 22-4-11.5, must be made in writing within 15 days after it is mailed to the employer's last known address. Unless the protest is filed within the provided timeframe, the records of IDWD will be considered to be correct and will not be modified.

The protest filed by the employer must set forth the cause or grounds for the protest and the particular fact relied upon to support the protest. The protesting employer may file either on the form provided by IDWD for that purpose, or any other document that shows a clear desire to protest the determination. In either case, the protest must be signed by the employer and be filed with the unemployment insurance tax division, as designated by the Commissioner of IDWD.

After the protest is received by IDWD, the LALJ will set a time, place, and date of hearing. The hearing will be held no fewer than 10 days following the mailing date of the notice of hearing.

With the permission of the LALJ, the employer may amend its protest at any time prior to the course of the hearing. The liability hearing will be confined to the issues raised by the employer's protest.

Review Date
December 31, 2009

Ownership
Director of Unemployment Insurance Appeals
Indiana Department of Workforce Development
311 W. Washington Street, Suite 101
Indianapolis, IN 46204
Telephone: 317.232.7170

Effective Date
January 1, 2009

Action
Indiana's workforce investment system will follow the guidance contained in this policy. Directors and managers will ensure that staff who work with this policy's subject matter are aware of the details contained in this policy and follow its guidelines.