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 2008-30
The Use of Evidence at Unemployment Insurance Benefit Hearings before an Administrative Law Judge or the Unemployment Insurance Review Board

Purpose
To explain what types of evidence may be presented at an administrative law judge or Unemployment Insurance Review Board hearing relating to eligibility for unemployment insurance benefits

Rescission
None

Contents
Whenever the attendance of witnesses, the production of documents, or other evidence is desired by any party to an administrative law judge hearing, a written request for subpoena must be signed by the party and filed with the Unemployment Insurance Appeals division (UI Appeals) of the Indiana Department of Workforce Development (IDWD). The request must be filed in time for the subpoena to be issued and served prior to the date and time of the hearing.

Whenever the attendance of witnesses, the production of documents, or other evidence is desired by any party to an Unemployment Insurance Review Board hearing, a written request for subpoena must be signed by the party and filed with the Unemployment Insurance Review Board of the Indiana Department of Workforce Development. The request must be filed in time for the subpoena to be issued and served prior to the date and time of the hearing.

A subpoena will be issued only upon a showing of necessity by the party applying for the subpoena. The request for subpoena must contain the name and address of the individual being subpoenaed and a description of the document, record, or thing to be produced.

The administrative law judge or Unemployment Insurance Review Board may refuse to hear more than three (3) witnesses produced by the same person or party to prove the same fact or facts.

Subpoenas may be served by any of the following:

1. a party to the hearing;
2. the party's representative as specified under 646 IAC 3-12-12;
3. a representative of IDWD; or
4. the sheriff of the county in which the hearing is to be held.

Any fees for service by the sheriff are the responsibility of the party requesting the subpoena. Subpoenas may be served in any manner specified by the Indiana Rules of Trial Procedure governing civil cases. Subpoenas will be enforced by the Unemployment Insurance Review Board in a court of competent jurisdiction as provided for by law.

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

Chair of the Unemployment Insurance Review Board
Indiana Department of Workforce Development
325 West Washington Street
Indianapolis, IN 46204
Telephone: 317.232.7719

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.