INDIANA
WORKFORCE
DEVELOPMENT
AND ITS WorkOne CENTERS

TO: Indiana's Workforce Investment System

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

THROUGH: Dustin Stohler DDS
General Counsel

DATE: January 2, 2009

SUBJECT: DWD Policy 2008-31
Telephone Hearings

Purpose
To explain the procedure for telephone hearings for administrative law judge hearings or Unemployment Insurance Review Board hearings

Rescission
None

Contents
To promote the handling of claims, Indiana Code § 22-4-17-8.5 allows for telephone hearings. This Indiana Department of Workforce Development (IDWD) policy explains the process.

1. A telephone hearing may be conducted at the initiation of either an administrative law judge or the Unemployment Insurance Review Board or upon the request of an interested party.
2. An administrative law judge or the Unemployment Insurance Review Board may initiate and conduct a telephone hearing under IC § 22-4-17-8.5.
3. The procedure for a telephone hearing requested by an interested party will be as follows:
    a. Any party to an appeal may request a telephone hearing by submitting, in writing, the reason(s) for the request to the administrative law judge or the Unemployment Insurance Review Board. The request must be received by the administrative law judge or the Unemployment Insurance Review Board three (3) days before the scheduled in-person hearing.
    b. After mailing a notice of a telephone hearing request, the claimant or employer has five (5) business days in which to file a written objection to the telephone hearing. Any interested party may object to a request for a telephone hearing.

4. An administrative law judge or the Unemployment Insurance Review Board will have discretion to grant or deny requests for telephone hearings under IC § 22-4-17-8.5, and will immediately notify the interested parties of the decision.
5. The notice of a telephone hearing will contain the following:
    a. that parties have the right to object to a telephone hearing;
    b. the circumstances under which the telephone hearing will be conducted;
    c. instructions as to how the telephone hearing will be conducted; and
    d. other rights of the parties.
6. A witness for a telephone hearing must be present at the location of the party participating by telephone as indicated in the hearing notice or request for telephone hearing. Witnesses may be conference called by the party for whom they are appearing or, with permission of the administrative law judge or Unemployment Insurance Review Board, the administrative law judge or Unemployment Insurance Review Board may provide conference services. The administrative law judge or Unemployment Insurance Review Board will permit any party a reasonable opportunity to question any witness testifying via telephone for the purpose of verifying the identity of that witness. Telephone hearings will be subject to the general rules and regulations governing in-person hearings. In order for documentary evidence to be included in the record in a telephone hearing, it must have been delivered to the administrative law judge, Unemployment Insurance Review Board, or other interested party at least five (5) business days prior to the telephone hearing, unless the administrative law judge or Unemployment Insurance Review Board waives the time requirement.
7. An administrative law judge or the Unemployment Insurance Review Board has discretion to modify or waive these requirements in the interests of judicial economy and fairness to all parties.

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.