



INDIANA
WORKFORCE
DEVELOPMENT
AND ITS **WorkOne** CENTERS

To: Unemployment Insurance Operations Divisions
Unemployment Insurance Review Board
Legal Support

From: Josh Richardson, Chief Operating Officer
Regina Ashley, Chief Strategy Officer

JOR REA

Date: December 20, 2016

Subject: DWD Policy 2016-05
Prohibition on the Awarding of Attorneys' Fees and Monetary Sanctions in an
Administrative Proceeding

Purpose

To communicate the prohibition on awarding attorneys' fees and monetary sanctions in Unemployment Insurance administrative proceedings held by the Indiana Department of Workforce Development (DWD).

Applicability

This policy applies to every Unemployment Insurance Administrative Law Judge, Liability Administrative Law Judge, and Unemployment Insurance Review Board member employed by DWD.

Rescission

None

References

IC 22-4-17-1 et seq.
IC 22-4-32-1 et seq.
646 IAC 5-10

Content

Administrative proceedings before DWD Administrative Law Judges (ALJs) and the Unemployment Insurance Review Board are somewhat informal and are designed to be accessible to lay persons. The parties to those administrative proceedings, including DWD, may appear unrepresented (*pro se*), by attorney, or by a duly authorized agent or representative. The possibility of monetary sanctions for discovery violations in DWD administrative proceedings could create a chilling effect upon full and fair litigation of all relevant issues. As a result, DWD ALJs and the Review Board do not have the authority to order attorney fees and/or monetary sanctions. ALJs and the Review Board are prohibited from ordering or awarding attorney fees and/or monetary sanctions. This policy does not apply to the Review Board's powers under 646 Indiana Administrative Code 5-10-18(f) to approve fee arrangements between claimants and their representatives. Other sanctions shall remain available to ALJs and the Review Board, but financial penalties in the form of attorney's fees and monetary sanctions are prohibited.

Effective Date

Immediately.

Ending Date

Upon rescission.

Contact for Questions

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