

FACT SHEET

APPEALS BOARD

The California Unemployment Insurance Board (CUIAB) hears and decides appeals and petitions in the areas of Unemployment Insurance (UI), Disability Insurance (DI) benefits, and employment tax liability. CUIAB includes a Board consisting of five members who serve four-year staggered terms of office. Three members are appointed by the Governor and one each by the Senate President Pro Tem and the Speaker of the Assembly.

The Board also adopts regulations to establish procedures and time limits for appeals; enacts a budget for staff, facilities, and equipment; issues policies on a variety of topics; and publishes precedent appeals decisions.

As an independent agency, CUIAB is not responsible to the Director of the Employment Development Department (EDD) for its daily operations and its decisions. This impartial status is a distinctive feature of the UI program in California. It allows the CUIAB to remain impartial so each employer or worker appearing before CUIAB has the benefit of an independent judgment. However, the EDD is required by statute to provide certain administrative services to CUIAB, such as equipment, supplies and operating services and both agencies are subject to the same fiscal controls and audits.

Appeals Procedure

Appeals and petitions must be submitted in writing and should contain a statement of grounds or reasons for the appeal or petition. They must also contain information identifying the appellant or petitioner and any opposing party. The written appeals and petitions should be submitted to the EDD. If you would prefer using a prepared form, one may be obtained from a local EDD office. You can find more information about the appeals procedure, including forms and guides at <http://www.cuiab.ca.gov>.

Administrative Law Judges

The CUIAB's field (lower level) Administrative Law Judges (ALJs) hear and decide appeals and petitions in the areas of UI and DI benefits, and employment tax cases. They are concerned with questions of eligibility or disqualification for benefits and liability for employment tax contributions and personal income tax withholding.

The ALJs conduct hearings that ensure the law is fairly and justly applied to all participants in the appeals process. The formal and technical rules of evidence do not apply in the hearings. Although parties can be represented by an attorney or other representative, it is not necessary because the ALJs will ask questions to ensure that all relevant facts are brought out.

Parties appearing at hearings have the right to:

- Advance notice of the hearing and the issues that will be considered.
- Receive a fair and impartial hearing.
- Present evidence on their own behalf.
- Subpoena witnesses and documents.
- Rebut unfavorable evidence and cross examine opposing witnesses.
- A written decision based solely on the record produced at the hearing, which sets forth the findings of fact upon which the decision is based and application of the facts to the legal provisions used to decide the case.

If a party to a case is unsatisfied with the findings, he or she may appeal to a second (higher) level at CUIAB, known as the Appeals Board.

Appeals Board Responsibilities

The Appeals Board reviews decisions rendered by field ALJs assigned to the various Offices of Appeal throughout the state. The Appeals Board may affirm, reverse, modify, set aside, or remand a decision. The Appeals Board does not conduct hearings, but reviews the record produced at the ALJ hearing. The Appeals Board generally will not consider any evidence that could have been produced at the hearing.

Cases pending before the Appeals Board are randomly assigned to two member panels for consideration and decision. This is done in conformity with a statutory requirement that tends to equalize the workload of the members and assures there is never a fixed and continuous composition of members.

A decision of any two members assigned a case is the decision of the Board. However, any case will be considered by the entire five members at the request of any one member. Decisions of the five members acting as a whole are by majority vote.

The Board, acting as a whole, may designate its decisions as precedent decisions. Precedent decisions constitute the foundation of the various benefit programs that fall within the Board's jurisdiction. All precedent decisions must be published and available to the public. They are binding on the ALJs and the EDD. All decisions of the Appeals Board are final except for filing an action in Superior Court.

Educational Programs

The CUIAB offers educational programs providing speakers and educational materials to labor, management, and other groups interested in appeals procedures, processes, and laws in these specific areas. They also offer special publications on Appeals Board rules, procedures for filing an appeal, a list of precedent decisions, and current articles and statistics on unemployment insurance, disability insurance, and tax issues. All of this information can be obtained through the CUIAB's website at www.cuiab.ca.gov or its office located at 2400 Venture Oaks Way, Sacramento, CA 95833.

The CUIAB's headquarters are located in Sacramento. Offices of Appeal are located in Fresno, Inglewood, Los Angeles, Oakland, Orange County, Oxnard, Pasadena, Rancho Cucamonga, Sacramento, San Diego, San Francisco, and San Jose.

The EDD is an equal opportunity employer/program.
Auxiliary aids and services are available upon request to individuals with disabilities.