

LEGISLATIVE BILL 239

Approved by the Governor February 14, 1995

Introduced by Abboud, 12; Dierks, 40; Preister, 5; Schimek, 27; Schmitt, 41;
Vrtiska, 1

AN ACT relating to employment security; to amend section 48-634, Reissue Revised Statutes of Nebraska; to change provisions relating to administrative appeal; and to repeal the original section.
Be it enacted by the people of the State of Nebraska,

Section 1. Section 48-634, Reissue Revised Statutes of Nebraska, is amended to read:

48-634. The claimant or any other party entitled to notice of a determination as herein provided in section 48-632, may file an appeal from such determination with an appeal tribunal. Notice of appeal must be in writing and must be delivered and received within twenty days after the date of mailing of the notice of determination to his or her last-known address, or, if such notice is not mailed, after the date of personal delivery of such notice of determination. For good cause shown, the tribunal may also take jurisdiction over appeals filed outside the prescribed appeal period. Unless the appeal is withdrawn, the appeal tribunal, after affording the parties reasonable opportunities for a fair hearing, shall make findings and conclusions and on the basis thereof affirm, modify, or reverse such determination. If ~~PROVIDED~~, that whenever an appeal involves a question as to whether services were performed by the claimant in employment or for an employer, the tribunal shall give special notice of such issue and of the pendency of the appeal to the employer and to the commissioner, both of whom shall ~~thenceforth~~ be parties to the proceeding and be afforded a reasonable opportunity to adduce evidence bearing on such question. The parties shall be promptly notified of ~~such the~~ tribunal's decision and shall be furnished with a copy of the decision and the findings and conclusions in support of the decision. ~~thereof and such decision shall be final five days after the date of mailing of notice thereof.~~

Sec. 2. Original section 48-634, Reissue Revised Statutes of Nebraska, is repealed.