



Councilmember Robert C. White, Jr.

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A PROPOSED RESOLUTION

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To declare the existence of an emergency with respect to the need to amend the Coronavirus Support Temporary Amendment Act of 2021 to extend the tolling of the time period to appeal unemployment compensation determinations to the Office of Administrative Hearings.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Office of Administrative Hearings Unemployment Appeals Extension Emergency Declaration Resolution of 2021”.

Sec. 2. (a) Shortly after the onset of the public health emergency related to the coronavirus pandemic, the Council acted to toll the time period that claimants have to request a hearing for an appeal of public assistance benefits related cases pursuant to section 1009 of the District of Columbia Public Assistance Act of 1982, effective April 6, 1982 (D.C. Law 4-101; D.C. Official Code § 4–210.09).

(b) Under pre-existing law, the Office of Administrative Hearings requires claimants to submit their hearing requests for unemployment compensation appeals within 15 days of receiving a Claims Examiner’s Determination (CED), and without a CED, claimants cannot properly file their appeals with the Office of Administrative Hearings.

33 (c) There has been an influx of unemployment cases due to the public health emergency,
34 and claimants continue to experience significant delays in receiving their CEDs from the
35 Department of Employment Services.

36 (d) The tolling provision has offered flexibility to claimants during the public health
37 emergency and has saved many from having to argue the timeliness of notice before getting to
38 the merits of their appeals.

39 (e) The declared public health emergency came to an end on July 25, 2021, and the
40 limited 15-day time period to file unemployment compensation appeals has resumed.

41 (e) Without the extended tolling, it is likely that the Office of Administrative Appeals
42 will face additional delays as it will need to hear claimants' arguments related to the timeliness
43 of notice based on when they received the CED, before adjudicating the merits of each case.

44 (g) To ensure that the Department of Employment Services has time to work through its
45 backlog, that the Office of Administrative Hearings does not face additional delays, and that
46 claimants do not experience an even more burdensome appeals process, it is necessary to amend
47 the Coronavirus Support Temporary Amendment Act of 2021 to extend the tolling period for
48 claimants to file their unemployment compensation appeals.

49 Sec. 3. The Council of the District of Columbia determines that the circumstances
50 enumerated in section 2 constitute emergency circumstances making it necessary that the "Office
51 of Administrative Hearings Unemployment Appeals Extension Emergency Declaration
52 Resolution of 2021" be *adopted after a single reading*.

53 Sec. 4. This resolution shall take effect immediately.