

By Mr. Guernsey of Williamstown, petition of Suzanne M. Bump and Sherwood Guernsey relative to improving the procedure for unemployment cases. Commerce and Labor.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty-Eight.

AN ACT IMPROVING THE PROCEDURES FOR UNEMPLOYMENT CASES.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section forty of chapter one hundred fifty one
2 A of the General Laws is hereby amended by adding the following
3 sentence: Any party may file an application after such ten day
4 period if such party had good cause for failing to file an
5 application on time, but in no event shall such application be
6 accepted if it is filed more than thirty days after the mailing of
7 the notice of decision unless such party did not receive adequate
8 notice of the decision or was discouraged from filing an appeal.

1 SECTION 2. Said chapter one hundred fifty one A is hereby
2 further amended by striking out section forty two and inserting
3 in place thereof the following: —

4 Section 42. The director or interested person aggrieved by any
5 decision in any proceeding before the board of review may obtain
6 judicial review of such decision by commencing, within thirty days
7 after the date of mailing of such decision, a civil action in the
8 district court or the superior court within the judicial district in
9 which he lives, or is or was last employed, or has his usual place
10 of business, in such proceeding every other party to the proceeding
11 before the board shall be made a defendant. If an appeal to the
12 board of review is deemed denied pursuant to subsection (a) of
13 section forty one because the board failed to act upon such appeal,
14 judicial review may be obtained by commencing a civil action as
15 prescribed in the preceding sentence, except that the time for

16 commencing such action shall run from the date as of which such
17 appeal is deemed denied. The director shall be deemed to have
18 been a party to any such proceeding before the board. The
19 complaint need not be verified but shall state the grounds upon
20 which such review is sought. It shall not be necessary as a
21 condition precedent to the judicial review of any decision of the
22 board to enter exceptions to the rulings of the board. Upon the
23 commencement of a civil action by an aggrieved party, the plaintiff
24 shall serve a copy of the complaint upon each defendant by
25 registered or certified mail, return receipt requested, within seven
26 days after commencing the action. The director shall file with the
27 court a certified copy of the decision of the board of review,
28 including all documents and papers and a transcript of all
29 testimony taken at the hearing before said board or the director
30 as the case may be, with his answer or within twenty-eight days
31 after commencement of the action. If the director fails to file a
32 transcript on time, and no other party has filed an appearance,
33 the director shall be defaulted. Each defendant shall file an answer
34 within twenty-eight days after receipt of the complaint. Except
35 as otherwise provided in this section, or if inconsistent with the
36 provisions of this section, such a proceeding shall be governed by
37 the Rules of Civil Procedure for the district courts and the
38 municipal court of the city of Boston, or, in the case of the superior
39 court, the Rules of Civil Procedure. The findings and decisions
40 of the board shall be reviewed in accordance with the standards
41 for review provided in paragraph (7) of section fourteen of chapter
42 thirty A. Any proceeding under this section shall be heard in a
43 summary manner and shall be given precedence over all other civil
44 cases. An appeal may be taken from the decision of the justice
45 of the district court or superior court to the appeals court. Notice
46 of appeal shall be filed in the office of the clerk of the district court
47 or superior court within thirty days after entry of such decision
48 by the clerk. The completion of such appeal shall be in accordance
49 with the Massachusetts Rules of Appellate Procedure. Benefits
50 shall be paid or denied in accordance with the decision of the trial
51 court justice during the pendency of such appeal. Upon the final
52 determination of such judicial proceeding the director shall enter
53 an order in accordance with the terms of the decision terminating
54 such proceeding.

1 SECTION 3. Section 69 of said chapter 151A is hereby
2 amended by adding the following new subsection (e): —

3 Any person aggrieved by a determination or decision of the
4 director under subsections (a) or (c) of this section shall have the
5 right to notice of and to appeal such determination or decision
6 in accordance with the provisions set forth in sections thirty-nine
7 through forty-two of this chapter.

1 SECTION 4. Section 71 of said chapter 151A is hereby
2 amended by striking out the second to last sentence thereof and
3 inserting in place thereof the following: —

4 Subject to the same limitations and for the same reasons, the
5 director may reconsider the determination in any case in which
6 a decision has been rendered by the director, the board of review
7 or a court, and may apply to said board or such court which
8 rendered such decision to revoke or modify such decision and the
9 board of review or court may affirm, modify or revoke such
10 decision.

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The fifth part of the report deals with the social situation of the country and the progress of the war. It is a very interesting and well-written account of the events of the year.