

**3310.2905 NOTICE OF HEARING.**

Subpart 1. [Repealed, L 2004 c 206 s 53]

Subp. 2. **Notice.** The chief unemployment law judge must send a notice of hearing, by mail or electronic transmission, to each party at least ten calendar days before the scheduled date of hearing unless notice is waived by the parties. The notice must state the time, date, method by which the hearing will be conducted, and issues to be considered at the hearing. If the issue to be considered at the hearing involves ineligibility for unemployment benefits because of a separation from employment, the notice must explain that the parties should be prepared to discuss all incidents that arose during the course of the employment that led to the separation. The notice of hearing must also include materials that provide the following information:

A. a statement that the purpose of the hearing is to take sworn testimony and other evidence on the issues involved, that the hearing is the only procedure available under the law at which a party may present evidence, and that further appeals consist of a review of the evidence submitted at the hearing;

B. a statement of the parties' right to represent themselves or to be represented by an attorney or other authorized representative;

C. a brief description of the procedure to be followed at the hearing, including the role of the unemployment law judge;

D. a statement that the parties should arrange in advance for the participation of witnesses they need to support their position;

E. a statement that a party may find out the name of the other party's attorney or other representative and names of the witnesses that the other party intends to have testify at the hearing, and an explanation of the process for making the request;

F. a statement that subpoenas may be available to compel the participation of witnesses or the production of documents, and an explanation of the process for requesting a subpoena;

G. a statement that documents contained in the department's records, and documents submitted by the parties that will be introduced at the hearing as possible exhibits will be sent to the parties in advance of the hearing;

H. a statement that even if the applicant already received unemployment benefits, it is important to participate in the hearing, because if the applicant is held ineligible, the applicant will not be able to receive further benefits and the applicant will have to pay back the benefits already received;

I. a statement that the unemployment law judge will determine the facts based upon a preponderance of the evidence along with the statutory definition of "preponderance of the evidence";

J. a statement that a party who fails to participate in the hearing will not be allowed a rehearing unless the party can show good cause for failing to participate, along with the statutory definition of "good cause"; and

K. a statement that an applicant, if unemployed, must file weekly continued requests for unemployment benefits while the appeal is pending.

**Statutory Authority:** *MS s 14.386; 14.388; 116J.035; 268.021; 268.10; 268.105*

**History:** *12 SR 2252; L 2004 c 206 s 53; 31 SR 285; 33 SR 999; 39 SR 151*

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