

**CHAPTER 39**  
**HB 359 – FINAL VERSION**

2013 SESSION

13-0644  
08/01

HOUSE BILL           **359**

AN ACT               relative to mailing of notices and determinations by the department of employment security.

SPONSORS:          Rep. A. White, Graf 13

COMMITTEE:        Labor, Industrial and Rehabilitative Services

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ANALYSIS

      This bill allows the commissioner of the department of employment security to send notices of withdrawal of appeals and decisions on requests to reopen appeal tribunal decisions by first class mail rather than certified mail.

      This bill is a request of the department of employment security.

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Explanation:        Matter added to current law appears in ***bold italics***.  
                          Matter removed from current law appears [~~in brackets and struck through~~].  
                          Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Thirteen*

AN ACT                   relative to mailing of notices and determinations by the department of employment security.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1           39:1 Withdrawal of Appeal; Mailings. Amend RSA 282-A:55 to read as follows:

2           282-A:55 Withdrawal of Appeal. A chairman may allow an appeal to be withdrawn by the  
3 appellant; but, in such case, the chairman shall send notice by certified mail, return receipt  
4 requested, ***or first class mail, whichever the commissioner determines to be the most***  
5 ***appropriate***, of his ***or her*** allowance of the withdrawal to all interested parties at the last address  
6 of each according to the records of the department of employment security. Simultaneously with the  
7 mailing of such notice, the determination of the certifying officer from which the appeal had been  
8 taken shall become final.

9           39:2 Determination of the Commissioner; Mailings. Amend RSA 282-A:61 to read as follows:

10          282-A:61 Commissioner's Determination. The commissioner shall render his ***or her***  
11 determination within a reasonable period after all the facts or arguments are made available to him  
12 ***or her***. The determination of the commissioner shall be sent by certified mail, return receipt  
13 requested, ***or first class mail, whichever the commissioner determines to be the most***  
14 ***appropriate***, to each interested party at the last address of each according to the records of the  
15 department of employment security. The appeal tribunal shall, upon direction to reopen, proceed in  
16 the same manner as though an appeal in said case were being taken from a determination of a  
17 certifying officer; provided, however, that the further hearing shall be limited to the introduction of  
18 evidence or argument relative to and concerning the factors which constitute the basis or ground for  
19 the reopening unless the commissioner orders a de novo hearing.

20          39:3 Effective Date. This act shall take effect 60 days after its passage.

21 Approved: June 4, 2013

22 Effective Date: August 3, 2013