

**ASSEMBLY BILL**

**No. 2886**

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**Introduced by Committee on Insurance (Assembly Members Daly (Chair), Bigelow, Calderon, Cooley, Dababneh, Frazier, Gatto, Gonzalez, and Rodriguez)**

February 25, 2016

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An act to amend Section 2707.2 and 2737 of the Unemployment Insurance Code, relating to disability compensation.

LEGISLATIVE COUNSEL'S DIGEST

AB 2886, as introduced, Committee on Insurance. Disability benefits: eligibility determinations: overpayment determinations: appeals.

Existing law authorizes the Employment Development Department to administer the disability compensation program, which provides for the partial compensation for the wage losses suffered by eligible individuals unemployed because of sickness or injury. Existing law requires, after a claim for benefits is filed, the department to determine the eligibility of the claimant for benefits and to notify the claimant of the determination. Existing law allows the claimant to appeal to an administrative law judge within 20 days from mailing or personal service of the determination notice.

This bill would extend that appeal period to within 30 days from mailing or personal service of the determination notice.

Under existing law, any person who receives an overpayment of disability benefits is liable for the amount overpaid unless specified conditions apply. Existing law requires the Director of Employment Development to determine the amount of the overpayment and to notify the recipient of the basis of the overpayment determination by mail or personal service, as provided. Existing law allows the person affected

to file an appeal to an administrative law judge within 20 days from the date of mailing or serving of the notice of overpayment determination. Existing law requires, after affording reasonable opportunity for a fair hearing, the administrative law judge to make a decision regarding the findings set forth in the overpayment determination notice, and requires that decision to be final unless within 20 days from the date of notification or mailing of the judge's decision a further appeal is initiated to the California Unemployment Insurance Appeals Board, as specified.

This bill would extend that appeal period to the administrative law judge to within 30 days of mailing or serving of the determination notice. The bill would also extend the appeal period to the appeals board to within 30 days from the date of notification or mailing of the administrative law judge's decision.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 2707.2 of the Unemployment Insurance  
2 Code is amended to read:

3 2707.2. The department shall consider the facts submitted by  
4 the employer pursuant to Section 2707.1 and make a determination  
5 as to the eligibility of the claimant for benefits. The department  
6 shall promptly notify the claimant of the determination and the  
7 reasons therefor. The claimant may appeal therefrom to an  
8 administrative law judge within ~~20~~ 30 days from mailing or  
9 personal service of the notice of determination. ~~The 20-day 30-day~~  
10 period may be extended for good cause. The director shall be an  
11 interested party to any appeal.

12 "Good cause," as used in this section, shall include, but not be  
13 limited to, mistake, inadvertence, surprise, or excusable neglect.

14 SEC. 2. Section 2737 of the Unemployment Insurance Code  
15 is amended to read:

16 2737. Within ~~20~~ 30 days from the date of mailing or serving  
17 of the notice of overpayment determination, the person affected  
18 may file an appeal to an administrative law judge. The director  
19 shall be an interested party to any such appeal. The administrative  
20 law judge, after affording reasonable opportunity for a fair hearing,  
21 shall unless the appeal is withdrawn, affirm, reverse, modify, or  
22 set aside the findings set forth in the notice of overpayment

1 determination. The party and the director shall be notified of the  
2 administrative law judge's decision, together with his reasons  
3 therefor, which shall be final unless within~~20~~ 30 days from the  
4 date of notification or mailing of the decision a further appeal is  
5 initiated to the appeals board pursuant to Section 1336. The~~20-day~~  
6 *30-day* period for an appeal to the administrative law judge or to  
7 the appeals board may be extended for good cause.  
8 "Good cause," as used in this section, shall include, but not be  
9 limited to, mistake, inadvertence, surprise, or excusable neglect.

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