

09.01.06 RULES OF THE APPEALS BUREAU

012. FILING OF AN APPEAL.

01. Filing of an Appeal Pursuant to the Employment Security Law. An appeal shall be in writing, signed by an interested party or representative, and shall contain words that, by fair interpretation, request the appeal process for a specific determination, redetermination or decision of the Department. Every determination, redetermination or decision of the Department shall contain and clearly identify the mailing address, fax number and electronic address for filing an appeal. To appeal a determination, redetermination or decision of the Department, interested parties must follow the instructions on the document being appealed. ~~The appeal may be filed by delivering it, or faxing it, to any Job Service office or to the Appeals Bureau of the Department, 317 W. Main Street, Boise, Idaho 83735-0720.~~ The date of personal delivery shall be noted on the appeal and shall be deemed the date of filing. A faxed or electronically transmitted appeal that is received ~~by a Job Service office or the Appeals Bureau~~ by 5 p.m. ~~(as of the time zone of the office receiving the appeal)~~ on a business day shall be deemed filed on that date. A faxed or electronically transmitted appeal that is received ~~by a Job Service office or the Appeals Bureau~~ on a weekend or holiday or after 5 p.m. on a business day shall be deemed filed on the next business day. ~~An appeal may also be filed by mailing it to any Job Service office or to the Appeals Bureau, Idaho Department of Labor, 317 W. Main Street, Boise, Idaho 83735-0720.~~ If mailed, the appeal shall be deemed to be filed on the date of mailing as determined by the postmark on the envelope containing the appeal, unless a party establishes by a preponderance of the evidence that but for error by the U.S. Postal Service, the envelope would have been postmarked within the period for timely appeal. If such a postal error is established, the appeal shall be deemed to be timely filed. Ref. Section 72-1368(6), Idaho Code.

(5-3-03)(_____)

02. Filing of an Appeal Pursuant to the Claims for Wages Act. An appeal shall be in writing, signed by the appellant or the appellant's representative, and shall contain words that, by fair interpretation, request the appeal process for a specific determination or revised determination of the Department. The appeal may be filed by personal delivery, by mail, or by fax or electronic transmission to the Wage and Hour Section of the Department at the address indicated on the Wage Claim Determination. The date of personal delivery shall be noted on the appeal and shall be deemed the date of filing. If mailed, the appeal shall be deemed to be filed on the date of mailing as determined by the postmark. A faxed or electronically transmitted appeal that is received by the Wage and Hour Section by 5 p.m. on a business day shall be deemed filed on that date. A faxed or electronically transmitted appeal that is received by the Wage and Hour Section on a weekend, holiday or after 5 p.m. on a business day shall be deemed filed on the next business day. Ref. Section 45-617(6), Idaho Code.

(4-5-00)(_____)

03. Date of Mailing. The date indicated on Department determinations, revised determinations, redeterminations and decisions as the "Date of Mailing" or "Date Mailed" shall be presumed to be the date the document was deposited in the United States mail, or the date the document was electronically transmitted to an electronic-mail address approved by the Department pursuant to Section 72-1368(5), Idaho Code, unless shown otherwise by a preponderance of competent evidence.

(7-1-10)