


COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE ON GOVERNMENT OPERATIONS AND FACILITIES

ROBERT C. WHITE, JR., CHAIR

MEMORANDUM

TO: Chairman Phil Mendelson
FROM: Councilmember Robert C. White Jr.
Chair, Committee on Government Operations and Facilities 
DATE: August 5, 2021
RE: Requests for the August 10, 2021, Additional Legislative Meeting

I request that the following measures be agendized for the Additional Legislative Meeting on August 10, 2021:

- “Office of Administrative Hearings Unemployment Appeals Extension Emergency Declaration Resolution of 2021”
- “Office of Administrative Hearings Unemployment Appeals Extension Emergency Amendment Act of 2021”
- “Office of Administrative Hearings Unemployment Appeals Extension Temporary Amendment Act of 2021”

Shortly after the onset of the public health emergency related to the COVID-19 pandemic, the Council acted to toll the time period that claimants have to request a hearing for an appeal of unemployment compensation determinations made by the Department of Employment Services.

On July 25, 2021, with the termination of the Public Health Emergency, the tolling provision in the Coronavirus Support Temporary Amendment Act of 2021 expired. The 15-day period for filing unemployment compensation appeals under pre-existing law has resumed.

Due to the impacts of COVID-19, there has been an influx of unemployment cases and claimants continue to experience significant delays in receiving their Claims Examiner’s Determinations (CEDs) from the Department of Employment Services (DOES). Without a CED, claimants cannot properly file their appeals with OAH. According to advocates at the Legal Aid Society of the District of Columbia, the tolling provision has offered flexibility to claimants and has saved many from having to argue the timeliness of notice before the merits of their appeal. Should the tolling provision be allowed to expire, it is likely that OAH will face additional delays as it will need to hear additional claimants’ arguments related to the timeliness of notice based on when they received their CED.

To ensure that the Department of Employment Services has time to work through its backlog, that the Office of Administrative Hearings does not face additional delays, and that claimants do not experience an even more burdensome appeals process, it is necessary to amend the Coronavirus Support Temporary Amendment Act of 2021 by emergency legislation, to extend the tolling period for claimants to file their unemployment compensation appeals.

The measures are attached. Please contact Kirti Suri, Deputy Committee Director, at 202-215-1985 or ksuri@dcccouncil.us if you have any questions.

The John A. Wilson Building, 1350 Pennsylvania Avenue, N.W.
Washington, DC 20004