

WORKLOAD NARRATIVE

FIELD OPERATIONS

December 2013

Workload: Although new cases [26,488 cases] rose from the depths of November, this represented the second lowest number of verifications this year and was 15% below average levels for 2013. With the holidays and the commencement of the annual leave work down program, the number of closed cases [24,098] was only three-quarters of the average this year and represented the smallest production since November 2008. The open inventory [31,701] is at a four month high, and yet is still 12% below average levels for the year.

In 2013, field operations verified 374,319 new appeals and issued 381,352 decisions in all programs. This was the 4th consecutive year in which both intake and production were down from the year before. Moreover, the totals in both areas were the smallest since 2008. Of greater note, however, is that in each of the last four years, there were more decisions than registrations. During that time period, the open inventory has fallen by more than 52,000 cases, or 62%.

UI. In December, the number of new UI cases [25,020 cases; 14,286 appellants] was 16% below the average for this year. Closed cases [22,868 closed cases; 13,058 appellants] fell for the fifth straight month and represented the fewest decisions in five years. The open inventory [23,372 cases; 13,345 appellants] rose to a four month high, but remains 14% smaller than average for 2013.

In 2013, field operations verified 355,872 new appeals [203,203 appellants] and issued 362,047 decisions [206,729 appellants] for UI and extensions. This was the 4th consecutive year in which both intake and production were down from the year before. Moreover, the totals in both areas were the smallest since 2008. In each of the last four years, there were more decisions than registrations. During that time period, the open inventory has fallen by more than 48,000 cases, or by more than two-thirds.

DI. The number of new DI cases [945] was basically the same as in November and below 1,000 for the 9th time this year. Dispositions [822] rose slightly from the previous month, but were still 16% below average levels for the year. This was the second straight month in which the open

DI inventory [1,300] went up, and it is now 3% larger than its average size this year.

In 2013, field operations verified 11,665 new appeals and issued 11,743 decisions in disability cases, which means there was relative stasis. Overall, however, work in this subject area has been evaporating for years. This was the 5th consecutive year in which both intake and production were down from the year before. In fact, verifications and dispositions have fallen every year since 2002, except one time each. In each of the last five years, and nine times in the last eleven years, there were more DI decisions than registrations. The open inventory has fallen to a level less than one-half its size as of the end of September 2010, and less than one-quarter its volume as of the end of December 2001.

Tax, Rulings, Other. The ruling and tax workloads are going in opposite directions. In rulings, intake remains extremely anemic with fewer than 100 cases [98] for the second time in three months. This was 65% below average. Although dispositions [217 cases] were 30% below the norm, this was the 4th straight month of falling inventory [3,748], which is at its lowest level since March 2012. Meanwhile, verifications of tax cases [411 petitions] set a new record and were 53% greater than average for the year. Dispositions [185] were 39% below average in volume. This was the sixth time in seven months in which the inventory [3,253] has grown larger. It is currently at its highest level since March.

In 2013, field operations verified 3,356 new ruling cases, which is a new all-time low. Dispositions [3,710] were higher than last year as offices used these cases to fill out calendars when UI work was slow. This was the third time in four years in which the inventory has been reduced. In tax, the yearly total of new petitions [3,234] exceeded 3,000 for the first time ever, due primarily to a large influx of SPG cases. Dispositions for the year [3,658] also set a new record and exceeded intake for the third straight year. During those three years, the balance of open cases has been reduced by one-third.

Case Aging and Time Lapse. December was the 11th consecutive month in which the 30-day time lapse percentage [78.4%] exceeded DOL requirements. 45-day time lapse was at 94.9%, which was the 21st straight month of meeting that goal. Average case age [24.1 days] hit a five month high, but exceeded federal guidelines for the 23rd consecutive month. Timeliness for extension cases suffered last month as the caseload inched higher with the percentage of cases resolved in 30 and 45 days both falling

more than ten percentage points to 18.1% and 45.2% respectively. The average case age of extensions rose to 39 days.

Cycle Time. The UI cycle time in December [31 days] rose for the first time in five months. The increase was in the time to schedule a case and the time between scheduling and date of hearing. The latter was primarily the result of the holidays falling in the middle of the week. In DI, the cycle time rose to 58 days.

BASIN	2013												Average	Current Mo. % of Avg.	Total	Appellants Current Mo	Appellants Average	Total				
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec										
WORKLOAD	New Opened Cases	UI TL	8,903	9,040	8,804	9,320	9,020	7,503	8,463	8,454	6,995	7,914	6,352	6,317	8,060	76%	97,085	3,607	4,620	55,436		
		DI	296	265	333	299	282	280	321	298	316	324	261	259	259	285	66%	3,534				
		Ruling & T-R	142	148	86	61	206	238	110	102	48	26	26	70	50	107	47%	1,289				
		Tax	0	0	0	2	0	2	0	0	1	0	0	0	0	3	1	450%	8			
		Other	2	10	4	7	2	11	4	4	4	4	2	1	3	5	67%	54				
		Total	9,343	9,453	9,229	9,669	9,510	8,034	8,898	8,849	7,363	8,266	6,704	6,632	6,632	8,498	78%	101,970				
		UI TL	8,124	8,601	10,532	8,217	7,672	7,188	8,072	9,137	8,604	7,966	6,675	6,370	6,370	8,283	77%	99,158	3,637	4,718	56,619	
		DI	387	264	370	206	205	241	317	355	372	473	235	238	238	305	78%	3,063				
		Ruling & T-R	81	79	167	108	92	92	171	138	163	217	63	97	97	122	79%	1,468				
		Tax	1	2	0	13	9	5	2	4	7	2	2	6	6	5	5	163%	59			
Other	7	3	9	3	4	4	9	9	5	1	1	4	2	5	40%	60						
Total	9,600	8,949	11,078	8,547	7,982	7,530	9,571	9,543	9,151	8,669	6,983	6,715	6,715	8,701	77%	104,408						
Closed Cases	Balance - Open Cases	UI TL	7,922	8,229	6,480	7,516	8,803	9,101	8,489	7,751	6,109	5,997	5,652	5,773	7,319	79%	3,296	4,179				
		DI	386	377	339	432	508	547	552	485	430	280	325	352	418	84%						
		Ruling & T-R	1,391	1,459	1,379	1,332	1,446	1,593	1,533	1,487	972	777	784	737	737	1,242	59%					
		Tax	46	44	50	42	37	41	52	59	53	50	44	39	39	46	84%					
		Other	3	11	4	8	6	14	9	5	4	5	2	2	3	6	49%					
		Total	9,748	10,120	8,252	9,330	10,800	11,296	10,635	9,797	7,568	7,109	6,808	6,904	6,904	9,031	76%					
		UI TL	8,67	87	3	28	2															
		<30 Day TL 80%	60.1	72.1	77.9	81.0	73.7	60.9	63.9	73.7	82.7	78.7	85.2	75.0	75.0	73.7	102%					
		<45 Day TL 80%	87.8	91.7	94.6	97.1	96.8	94.0	89.4	88.7	92.2	96.1	98.2	93.7	93.7	93.1	101%					
		<90 Day TL 95%	97.3	98.6	99.3	99.5	99.6	98.8	99.1	98.0	97.7	99.3	98.6	98.9	98.9	98.7	100%					
CASE AGE	Average Days	UI (mean)	22.3	20.3	18.7	20.3	21.9	25.6	24.7	21.3	23.8	19.1	22.9	26.5	22	119%						
		UI (median)	19.0	18.3	17.0	19.0	19.7	21.7	19.7	17.7	21.0	15.7	19.7	22.7	19	118%						
		# of Cases	14	7	6	4	6	6	17	19	16	16	12	10	11	11	88%					
		>90 Days Old %	4.30%	3.41%	2.09%	3.64%	3.66%	2.50%	5.71%	5.12%	3.88%	1.36%	3.01%	1.35%	1.35%	3.35%	40%					
		# of Cases	7	6	4	7	10	6	13	11	7	2	4	2	2	7	30%					
		NET PYS USED	ALJ	47.42	49.99	51.07	48.65	35.16	42.17	45.72	46.02	47.96	44.52	37.50			44.93	83%				
		w/RSU adj	Non ALJ	47.85	48.38	50.94	47.47	45.70	46.95	45.71	46.15	44.41	45.36	37.35			48.02	81%				
		Net PYS	95.27	98.37	102.01	94.12	80.86	89.12	91.43	92.17	92.37	89.88	74.85			90.95	82%					
		Ratio 1/1	1.01	0.97	1.00	1.02	1.30	1.11	1.00	1.00	0.93	1.02	1.00			1.02	97%					
		PRODUCTIVITY		47.8	46.7	50.8	43.0	50.9	44.0	46.7	46.9	48.8	41.2	51.2			46.9	109%				
Weekly Dispos per ALJ		48.2	47.1	51.6	49.6	51.6	44.6	47.8	47.6	47.7	42.3	51.7			47.6	106%						
Weekly Dispos (non-ALJ)		47.8	48.7	51.8	42.9	39.7	40.1	47.6	47.5	51.5	41.5	51.9			46.4	112%						

ORANGE COUNTY												2013												OC					
WORKLOAD												Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Average	Current Mo. % of Avg.	Total	Appellants Current Mo. Average	Total	
New Opened Cases												2,811	2,655	2,598	2,878	2,996	2,734	2,764	2,474	2,087	2,605	1,996	2,043	2,512	81%	30,141	1,167	1,494	17,211
UI TL												89	57	96	64	83	76	105	104	118	126	85	92	92	100%	1,100			
Ruling & T-R												18	17	14	9	35	23	18	10	14	7	13	9	16	58%	186			
Tax												0	0	0	0	0	1	0	0	0	0	0	0	0	0%	1			
Other												1	2	3	5	1	6	4	2	2	0	0	3	2	124%	29			
Total												2,920	2,731	2,711	2,896	3,115	2,340	2,892	2,590	2,221	2,740	2,094	2,147	2,621	82%	31,457			
Closed Cases												6	58	14	25	2					1								
UI TL												2,553	2,995	3,361	2,236	2,294	2,448	3,303	2,451	2,374	2,482	2,216	2,158	2,573	84%	30,872	1,232	1,469	17,628
DI												125	87	115	46	69	62	110	84	107	166	83	97	96	101%	1,150			
Ruling & T-R												1	6	23	1	0	11	71	66	14	2	0	0	18	0%	195			
Tax												0	0	0	1	1	0	0	0	0	1	3	2	1	300%	8			
Other												8	2	2	1	4	2	7	6	2	0	2	0	3	0%	34			
Total												2,685	3,090	3,501	2,285	2,367	2,524	3,491	2,607	2,497	2,651	2,304	2,257	2,688	84%	32,259			
Balance - Open Cases														1146		1025					599								
UI TL												2,771	2,372	1,629	2,244	2,946	2,724	2,184	2,193	1,801	1,989	1,761	1,706	2,202	77%		974	1,257	
DI												104	74	55	73	88	102	101	121	132	93	95	96	95	102%				
Ruling & T-R												250	262	254	262	297	309	254	198	196	203	216	225	244	92%				
Tax												7	7	7	7	12	19	28	36	37	36	33	31	22	143%				
Other												2	3	2	6	3	8	6	2	2	2	0	3	3	95%				
Total												3,134	2,718	1,947	2,592	3,346	3,182	2,572	2,550	2,270	2,323	2,105	2,051	2,565	80%				
Time Lapse																													
<30 Day TL 60%												62.4	76.8	84.4	93.8	80.8	71.7	78.3	84.8	89.0	81.8	89.4	91.5	82.0	112%				
<45 Day TL 80%												85.3	87.8	84.2	99.0	98.5	97.1	83.4	95.4	97.1	97.7	97.7	98.0	95.1	103%				
<90 Day TL 95%												95.5	98.8	99.1	100.0	99.9	99.8	99.3	99.9	99.6	99.8	100.0	99.5	99.3	100%				
CASE AGE																													
Average Days UI (mean)												24.0	19.0	16.4	18.9	20.9	23.9	18.7	17.8	21.5	16.5	21.2	29.0	21	140%				
Average Days UI (median)												20.0	17.0	16.0	19.0	20.0	20.0	19.0	17.0	21.0	15.0	18.0	25.0	19	135%				
>90 Days Old % UI												0.23%	0.07%	0.00%	0.07%	0.00%	0.06%	0.00%	0.00%	0.00%	0.00%	0.20%	0.00%	0.05%	0%				
# of Cases												4	1	0	1	0	1	0	0	0	0	3	0	1	0%				
>90 Days Old % DI												4.03%	1.77%	0.00%	2.81%	0.71%	0.00%	4.32%	3.61%	3.16%	0.00%	1.55%	1.39%	1.93%	72%				
# of Cases												5	2	0	3	1	0	6	7	6	0	2	2	3	71%				
NET PYS USED																													
All ALJ												13.91	15.20	15.55	13.05	10.45	13.74	15.19	12.48	13.48	12.93	11.61	13.42	13.42	87%				
w/RSU adf												16.11	16.16	16.76	14.81	16.05	15.92	15.68	16.28	15.81	15.96	12.45	15.54	15.54	80%				
Net PYS												30.02	31.36	32.31	27.86	26.50	29.66	30.87	28.76	29.29	28.89	24.06	28.96	28.96	83%				
Ratio 1 /												1.16	1.06	1.08	1.13	1.44	1.16	1.03	1.30	1.17	1.23	1.07	1.16	1.16	93%				
PRODUCTIVITY																													
Weekly Dispos per ALJ (USDO)												45.8	53.4	53.2	41.6	51.4	45.7	51.1	46.2	46.0	44.5	56.0	48.5	48.5	113%				
Weekly Dispos per ALJ												46.0	53.5	53.8	41.7	51.5	45.9	52.2	47.5	46.3	44.6	55.1	48.9	48.9	113%				
Weekly Dispos per ALJ												39.7	50.3	49.7	36.7	35.7	39.6	50.6	36.4	39.5	36.1	51.4	42.3	42.3	121%				

LOS ANGELES		2013												LA		Appellants			
WORKLOAD		Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Average	Current Mo. % of Avg.	Total	Current Mo.	Average	Total
New Opened Cases																			
UI TL		3,039	2,977	3,050	3,066	3,068	2,614	2,917	2,966	2,661	2,757	2,228	2,334	2,800	83%	33,669	1,333	1,602	19,225
DI		119	96	121	104	101	103	122	66	117	83	120	97	104	83%	1,248			
Ruling & T-R		20	21	10	12	34	32	14	17	7	5	10	5	16	32%	187			
Tax		0	0	0	2	0	1	0	1	0	0	0	3	1	514%	7			
Other		0	3	0	2	0	1	0	2	1	0	1	0	1	0%	10			
Total		3,178	3,096	3,161	3,186	3,193	2,751	3,053	3,064	2,786	2,845	2,359	2,439	2,827	83%	35,121			
Closed Cases																			
UI TL		3,207	2,644	3,720	2,780	2,447	2,608	2,660	3,433	3,072	2,891	2,456	2,441	2,863	85%	34,359	1,394	1,635	19,019
DI		130	104	147	82	55	97	86	113	145	155	79	112	109	103%	1,305			
Ruling & T-R		4	58	6	26	0	2	6	61	2	25	3	0	16	0%	193			
Tax		1	0	0	12	8	5	1	4	7	1	3	6	4	150%	48			
Other		0	0	3	0	0	2	0	0	2	0	1	2	1	240%	10			
Total		3,342	2,806	3,870	2,900	2,500	2,510	2,714	3,611	3,228	3,072	2,542	2,561	2,993	86%	35,915			
Balance - Open Cases																			
UI TL		2,664	2,978	2,301	2,574	3,163	3,157	3,411	2,938	2,522	2,383	2,151	2,217	2,706	82%		1,266	1,545	
DI		161	172	145	167	213	219	265	208	181	109	150	135	178	76%				
Ruling & T-R		183	148	149	135	168	199	207	183	40	20	27	32	122	26%				
Tax		34	34	40	33	23	20	23	22	15	13	10	7	23	31%				
Other		0	3	0	2	2	1	1	3	2	2	2	0	2	0%				
Total		3,062	3,333	2,695	2,911	3,569	3,596	3,697	3,334	2,760	2,527	2,340	2,391	3,030	79%				
Time Lapse																			
<30 Day TL 60%		73.6	87.9	85.7	88.7	82.1	71.4	79.6	73.2	83.7	78.0	87.5	77.1	80.3	96%				
<45 Day TL 80%		94.6	94.9	96.5	98.1	98.2	93.5	91.0	88.4	89.5	96.0	96.7	91.2	93.9	97%				
<90 Day TL 95%		98.8	98.6	99.5	99.3	99.4	98.0	98.8	96.8	96.3	99.2	98.8	97.6	98.4	99%				
CASE AGE																			
Average Days UI (mean)		21.0	20.0	18.6	19.4	22.3	26.1	27.8	22.2	24.1	20.1	24.9	23.9	23	106%				
Average Days UI (median)		17.0	17.0	17.0	18.0	18.0	20.0	21.0	17.0	21.0	16.0	19.0	19.0	18	104%				
>90 Days Out %		0.80%	0.41%	0.70%	0.36%	0.32%	0.38%	1.37%	1.25%	0.49%	0.54%	2.07%	0.90%	0.80%	113%				
# of Cases		14	7	11	6	8	7	30	23	7	9	31	15	14	108%				
>90 Days Out %		4.11%	5.53%	1.15%	2.99%	8.20%	3.47%	7.99%	5.75%	5.03%	1.26%	4.00%	0.00%	4.21%	0%				
# of Cases		9	12	2	6	24	9	23	15	10	2	7	0	10	0%				
NET PYS USED																			
ALJ		17.10	17.11	16.51	15.86	12.11	15.76	16.32	16.91	17.28	17.06	14.30	14.30	16.21	88%				
WR/RSU adj		16.22	17.23	19.06	17.78	16.30	16.30	14.94	15.06	14.68	14.49	12.79	12.79	15.80	80%				
Net Pys		33.32	34.34	37.57	33.63	28.41	32.06	31.26	32.00	31.96	31.54	27.09	27.09	32.11	84%				
Ratio 1/1		0.95	1.01	1.03	1.12	1.35	1.03	0.92	0.89	0.85	0.85	0.89	0.89	0.98	91%				
PRODUCTIVITY																			
Weekly Dispos per ALJ (JUS)		46.5	42.3	49.7	43.0	47.0	42.9	38.2	47.6	46.5	39.8	49.2	49.2	44.7	110%				
Weekly Dispos per ALJ		46.5	43.2	49.9	43.6	47.1	43.1	38.3	48.4	46.7	39.2	49.4	49.4	45.0	110%				
Weekly Dispos (non-ALJ)		49.1	42.9	48.4	38.8	35.0	41.6	41.9	54.5	55.0	48.1	55.2	55.2	46.2	119%				

		2013												ING		Appellants			
		Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Average	Current Mo. % of Avg.	Total	Current Mo. Average	Total	
INGLEWOOD																			
WORKLOAD																			
New Opened Cases																			
UITL		3,053	3,408	3,156	3,376	2,986	2,655	2,762	3,012	2,247	2,552	2,126	1,940	2,773	70%	33,275	1,108	15,683	19,000
DI		88	103	116	131	98	101	91	118	81	113	76	70	99	71%	1,186			
Ruling & T-R		103	110	64	40	137	163	80	75	27	14	47	36	76	47%	916			
Tax		0	0	0	0	0	0	0	0	0	0	0	0	0	#DIV/0!	0			
Other		1	5	1	0	1	4	0	0	1	2	0	0	1	0%	15			
Total		3,245	3,626	3,337	3,547	3,202	2,943	2,953	3,205	2,356	2,681	2,251	2,046	2,949	69%	35,392			
Closed Cases																			
UITL		3,364	2,962	3,451	3,201	2,931	2,131	3,109	3,253	3,158	2,593	2,003	1,771	2,927	63%	33,927	1,011	1,514	19,372
DI		132	73	108	78	82	82	121	158	120	152	73	29	101	29%	1,208			
Ruling & T-R		76	15	136	61	92	79	94	11	147	199	60	97	90	103%	1,080			
Tax		0	2	0	0	0	0	0	0	0	0	0	0	0	0%	3			
Other		1	1	4	2	0	0	2	3	1	1	1	0	1	0%	16			
Total		3,573	3,053	3,701	3,362	3,105	2,292	3,327	3,425	3,426	2,936	2,137	1,887	3,020	63%	36,234			
Balance - Open Cases																			
UITL		2,487	2,679	2,550	2,698	2,694	3,220	2,894	2,620	1,686	1,625	1,740	1,850	2,412	77%		1,056	1,377	
DI		101	131	139	192	207	226	186	156	117	78	81	121	145	83%				
Ruling & T-R		966	1,051	976	935	981	1,085	1,072	1,136	734	654	541	480	875	55%				
Tax		5	3	3	2	2	2	2	1	1	1	1	1	2	52%				
Other		1	5	2	0	1	5	3	0	0	1	0	0	2	0%				
Total		3,552	4,069	3,670	3,827	3,865	4,538	4,166	3,913	2,538	2,259	2,363	2,452	3,436	71%				
Time Lapse																			
<30 Day TL 60%		44.3	56.9	63.7	60.6	58.2	39.5	33.7	63.2	75.3	75.4	78.6	56.3	58.8	96%				
<45 Day TL 80%		63.6	92.5	94.1	94.1	93.5	91.5	80.9	82.4	90.1	95.5	94.1	91.8	80.3	102%				
<90 Day TL 95%		97.5	98.5	99.3	99.2	99.5	98.6	99.2	97.4	97.2	98.0	98.9	99.0	98.5	101%				
CASE AGE																			
Average Days UI (mean)		22.0	22.0	21.0	22.5	22.4	27.3	27.6	23.8	25.9	20.7	22.6	26.5	24	112%				
Average Days UI (median)		20.0	21.0	18.0	20.0	21.0	25.0	23.0	19.0	21.0	16.0	22.0	24.0	21	115%				
>90 Days Old % UI		1.22%	0.59%	0.63%	0.33%	0.59%	0.49%	1.02%	1.93%	3.40%	2.87%	0.21%	0.90%	1.18%	76%				
# of Cases		24	12	12	0	11	11	20	35	41	39	3	14	19	74%				
>90 Days Old % DI		4.75%	2.94%	5.11%	5.91%	1.64%	4.02%	4.82%	6.01%	2.87%	2.78%	3.48%	2.65%	3.91%	68%				
# of Cases		7	5	9	13	4	10	11	11	4	3	4	4	7	56%				
NET PYS USED																			
ALJ		16.41	17.68	17.01	17.75	12.60	12.67	14.21	16.60	17.20	14.54	11.59		15.30	76%				
WR/SU adj		15.52	14.98	15.12	14.88	14.35	14.73	15.09	14.81	13.92	14.91	12.11		14.58	83%				
Net Pys		31.93	32.67	32.13	32.63	26.95	27.40	29.30	31.41	31.12	29.45	23.70		29.88	79%				
Ratio 1/1		0.95	0.85	0.89	0.84	1.14	1.16	1.06	0.89	0.81	1.03	1.04		0.95	110%				
PRODUCTIVITY																			
Weekly Disps per ALJ (Adj)		50.7	45.2	49.8	44.0	54.3	43.7	51.7	46.7	47.6	41.0	49.8		47.7	104%				
Weekly Dispos per ALJ		51.8	45.4	51.8	45.1	56.0	45.2	53.2	46.9	49.8	43.9	51.2		49.1	104%				
Weekly Dispos (non-ALJ)		54.8	53.6	58.3	53.8	49.2	38.9	50.1	52.6	61.5	42.8	49.0		51.3	96%				

2013												BAY		Appellants				
BAY AREA	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Average	Current Mo. % of Avg.	Total	Current Mo. Average	Total	
WORKLOAD																		
New Opened Cases																		
UITL	6,513	6,658	7,284	6,971	6,688	5,758	5,904	6,190	5,086	6,036	4,928	5,067	6,090	83%	73,081	2,893	3,477	41,729
DI	174	163	204	190	208	198	240	281	240	247	182	168	214	109%	2,563	218	241	2,563
Ruling & T-R	22	25	25	11	45	35	15	9	9	8	16	14	20	72%	234	8	16	234
Tax	0	0	1	1	2	1	1	3	2	2	0	3	1	150%	16	1	3	16
Other	6	5	6	5	3	6	4	5	2	4	5	3	5	67%	54	4	5	54
Total	6,715	6,849	7,520	7,168	6,944	5,998	6,154	6,488	5,339	6,295	5,170	5,318	6,329	84%	75,948	2,915	3,502	42,750
1																		
Closed Cases																		
UITL	6,359	7,022	7,393	5,911	6,227	5,365	7,944	6,996	5,946	5,553	4,959	4,574	6,239	73%	74,868	2,612	3,562	42,750
DI	189	225	206	154	168	171	207	294	327	221	182	168	207	81%	2,482	207	241	2,482
Ruling & T-R	7	22	28	9	6	9	11	40	54	18	28	9	20	45%	241	9	13	241
Tax	9	0	9	11	21	12	18	14	16	28	11	9	13	88%	158	9	13	158
Other	2	7	9	4	5	1	3	8	7	5	2	1	5	22%	54	2	1	54
Total	7,166	7,276	7,845	6,089	6,427	5,578	8,183	7,321	6,350	5,825	5,182	4,761	6,484	73%	77,803	2,621	3,279	42,750
422																		
Balance - Open Cases																		
UITL	6,004	5,620	5,505	6,585	7,019	7,564	5,693	5,037	4,530	5,005	4,934	5,423	5,743	94%		3,097	3,279	
DI	247	185	183	208	245	272	305	302	215	241	276	340	252	135%				
Ruling & T-R	55	59	56	56	97	123	126	96	279	289	255	461	161	286%				
Tax	114	114	107	130	114	107	106	111	100	75	67	60	100	60%				
Other	10	7	4	5	3	8	9	8	3	2	5	7	6	118%				
Total	6,430	5,985	5,855	6,986	7,476	8,074	6,239	5,554	5,127	5,593	5,539	6,291	6,263	100%				
72																		
Time Lapse																		
<30 Day TL 60%	56.9	75.8	84.1	82.6	74.6	62.2	66.6	76.8	93.6	75.3	87.7	77.6	76.3	102%				
<45 Day TL 80%	87.6	80.4	96.9	97.5	96.0	91.1	89.8	85.4	97.3	98.3	96.8	96.5	93.6	103%				
<60 Day TL 95%	97.6	98.5	99.5	99.7	99.9	98.9	99.4	97.7	99.2	99.7	99.7	99.7	99.1	101%				
CASE AGE																		
Average Days UI (mean)	23.0	17.7	18.3	20.2	22.1	26.0	26.4	17.2	20.6	17.6	20.9	23.2	21	110%				
Average Days UI (median)	19.0	16.0	17.7	19.0	19.3	23.3	18.7	15.7	20.0	15.7	18.3	21.0	19	112%				
>60 Days Out %	0.60%	0.35%	0.19%	0.00%	0.22%	0.18%	0.42%	0.55%	0.04%	0.00%	0.23%	0.55%	0.28%	198%				
# of Cases	9	4	3	0	3	3	5	6	0	0	3	6	4	216%				
>90 Days Out %	2.76%	2.72%	0.43%	0.91%	0.22%	0.42%	1.12%	0.71%	0.74%	1.21%	1.39%	2.20%	1.24%	176%				
# of Cases	4	3	0	1	0	0	2	1	1	1	2	3	2	214%				
NET PYS USED																		
ALL	35.12	37.08	37.98	32.98	31.81	33.24	35.17	37.11	34.73	30.41	26.51		33.83	78%				
w/RSU adj	44.55	45.16	46.14	42.07	40.13	44.02	41.85	43.81	40.53	43.26	35.96		42.49	84%				
Net Pys	79.67	82.24	84.12	75.05	71.94	77.26	77.02	80.92	75.26	73.67	62.37		76.32	82%				
Ratio 1/1	1.27	1.22	1.21	1.28	1.26	1.32	1.19	1.18	1.17	1.42	1.35		1.28	108%				
PRODUCTIVITY																		
Weekly Dispos per ALL (UK/DI)	48.5	51.4	47.6	43.9	45.7	41.8	52.7	44.5	45.2	41.3	53.9		46.9	115%				
Weekly Dispos per ALLJ	48.6	51.6	47.8	44.0	45.9	42.0	52.9	44.8	45.7	41.6	54.3		47.2	115%				
Weekly Dispos (non-ALLJ)	38.3	42.4	39.5	34.5	38.4	31.7	44.4	38.0	39.2	29.3	40.1		37.6	107%				

2013													OAK					
OAKLAND	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Average	Current Mo. % of Avg	Total	Appellants Current Mo. Average	Total	
WORKLOAD																		
New Opened Cases																		
UI TL	2,446	2,397	2,732	2,428	2,441	1,908	2,213	2,167	1,940	2,101	1,869	1,619	2,205	82%	26,462	1,039	1,265	15,110
DI	54	56	57	62	58	62	66	83	73	77	60	64	64	100%	770			
Ruling & T-R	10	11	10	5	14	9	5	2	5	3	9	0	7	0%	83			
Tax	0	0	0	0	2	0	1	2	1	0	0	3	1	218%	11			
Other	2	2	0	1	0	2	1	1	0	2	3	3	1	212%	17			
Total	2,512	2,465	2,799	2,496	2,513	1,982	2,285	2,255	2,019	2,183	1,944	1,888	2,279	83%	27,343			
Closed Cases																		
UI TL	2,444	2,537	2,572	2,124	2,073	2,043	2,811	2,518	2,078	1,927	1,860	1,593	2,215	72%	26,560	910	1,265	15,177
DI	54	61	64	59	65	47	73	68	86	54	54	42	60	70%	717			
Ruling & T-R	0	5	9	0	1	0	0	13	31	1	0	0	5	0%	60			
Tax	9	0	5	10	14	12	13	12	11	15	8	2	9	22%	111			
Other	0	2	2	0	1	0	0	2	3	3	0	1	1	86%	14			
Total	2,507	2,605	2,642	2,193	2,154	2,102	2,897	2,813	2,209	2,000	1,922	1,638	2,280	72%	27,482			
Balance - Open Cases																		
UI TL	2,065	1,921	2,073	2,385	2,720	2,572	1,954	1,778	1,772	1,944	1,945	2,170	2,107	103%		1,239	1,203	
DI	59	54	57	59	50	65	57	73	60	83	89	111	68	163%				
Ruling & T-R	27	33	34	39	52	61	65	54	26	30	39	39	42	93%				
Tax	105	105	100	94	88	77	75	72	63	50	44	44	76	56%				
Other	3	2	0	1	0	2	3	4	1	0	3	5	2	250%				
Total	2,259	2,115	2,264	2,558	2,910	2,777	2,155	1,981	1,924	2,107	2,120	2,369	2,295	103%				
Time Lapse																		
<30 Day TL 60%	63.8	61.1	69.0	62.8	65.8	67.1	76.1	91.7	95.1	75.5	86.3	80.2	81.3	99%				
<45 Day TL 80%	92.0	92.4	98.3	98.8	98.0	95.7	94.8	96.5	97.4	99.0	97.9	96.0	96.6	101%				
<80 Day TL 95%	98.7	99.6	99.5	98.9	98.7	99.2	98.9	98.7	98.5	99.9	99.2	99.2	99.3	100%				
CASE AGE																		
Average Days UI (mean)	21.0	17.0	18.1	18.9	21.9	24.5	18.9	16.6	20.3	18.4	20.6	23.1	20	116%				
Average Days UI (median)	17.0	15.0	18.0	18.0	20.0	22.0	16.0	15.0	20.0	16.0	18.0	21.0	19	117%				
>90 Days Old % UI	0.40%	0.66%	0.07%	0.00%	0.20%	0.30%	0.00%	0.18%	0.00%	0.00%	0.70%	0.96%	0.29%	332%				
# of Cases	6	8	1	0	3	4	0	2	0	0	8	13	4	347%				
>90 Days Old % DI	0.00%	0.00%	0.00%	2.74%	0.00%	1.27%	0.00%	0.00%	0.00%	0.98%	0.93%	1.46%	0.62%	237%				
# of Cases	0	0	0	2	0	1	0	0	0	1	1	2	1	343%				
NET PYS USED																		
All	14.02	14.26	14.54	12.25	11.71	12.66	13.62	13.68	12.79	10.54	10.31		12.76	81%				
w/RSU adj	16.27	15.78	16.67	15.07	14.15	15.48	14.23	15.15	13.57	14.09	12.10		14.80	82%				
Net Pys	30.29	30.04	31.41	27.32	25.86	28.14	27.85	28.83	26.36	24.63	22.41		27.56	81%				
Ratio 1/1	1.16	1.11	1.16	1.23	1.21	1.22	1.04	1.11	1.06	1.34	1.17		1.16	101%				
PRODUCTIVITY																		
Weekly Dispos per All (UI/DI)	42.4	47.9	43.0	42.4	41.5	41.3	46.1	43.0	42.3	40.9	51.6		44.0	117%				
Weekly Dispos per All (w/RSU adj)	42.6	48.1	43.3	42.6	41.8	41.5	48.3	43.4	43.2	41.3	51.8		44.3	117%				
Weekly Dispos (non-All)	36.7	43.4	37.3	34.6	34.8	33.9	46.3	39.2	40.7	30.9	44.1		38.3	115%				

SAN JOSE	2013												SU		Appellants			
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Average	Current Mo. % of Avg.	Total	Current Mo. Average	Total	
WORKLOAD																		
New Opened Cases																		
UI TL	2,152	2,223	2,421	2,483	2,082	2,027	1,919	2,175	1,696	2,197	1,638	1,694	2,060	82%	24,717	967	1,176	14,113
DI	66	53	70	70	90	87	100	107	108	112	109	109	91	120%	1,089			
Routing & T-R	7	7	8	5	15	13	5	6	2	1	3	7	7	106%	79			
Tax	0	0	0	0	0	1	0	1	0	0	0	0	0	0%	2			
Other	2	2	8	2	1	3	3	2	2	1	2	0	2	0%	26			
Total	2,227	2,295	2,505	2,560	2,188	2,131	2,036	2,291	1,806	2,311	1,752	1,810	2,159	84%	25,913			
Closed Cases																		
UI TL	2,262	2,443	2,680	2,006	2,397	1,625	2,830	2,347	2,134	2,085	1,535	1,633	2,149	71%	25,790	875	1,227	14,728
DI	81	103	101	42	59	72	70	117	160	112	82	75	90	83%	1,083			
Routing & T-R	4	12	12	2	2	2	1	18	15	4	4	3	7	48%	79			
Tax	0	0	0	0	7	0	0	0	0	7	0	0	1	0%	14			
Other	2	3	5	4	3	0	0	6	2	2	1	0	2	0%	28			
Total	2,349	2,551	2,798	2,057	2,378	1,699	2,901	2,488	2,320	2,210	1,622	1,611	2,250	72%	26,994			
Balance - Open Cases																		
UI TL	2,133	1,913	1,658	2,168	1,929	2,522	1,801	1,612	1,399	1,506	1,599	1,756	1,833	96%		1,002	1,047	
DI	135	86	54	82	112	127	185	155	94	94	120	154	115	134%				
Routing & T-R	21	16	12	15	28	39	43	31	18	15	14	217	39	555%				
Tax	4	4	5	27	10	11	11	11	11	1	3	3	9	35%				
Other	4	3	4	2	0	3	6	2	2	3	2	2	3	77%				
Total	2,297	2,021	1,733	2,292	2,079	2,702	2,026	1,811	1,524	1,619	1,738	2,131	1,998	107%				
Time Lapse																		
<30 Day TL 60%	48.0	63.3	74.3	76.7	66.1	48.9	60.7	66.4	90.8	78.0	83.2	89.9	68.7	102%				
<45 Day TL 80%	84.8	84.3	83.8	94.3	90.3	82.9	88.0	76.5	96.4	98.1	94.2	93.6	89.6	104%				
<90 Day TL 95%	96.8	97.1	93.3	99.3	100.0	97.7	99.3	95.1	99.0	99.9	99.9	99.9	98.6	101%				
CASE AGE																		
Average Days UI (mean)	26.0	19.0	19.4	22.4	23.8	27.3	32.5	38.1	16.6	16.7	23.0	24.9	23	110%				
Average Days UI (median)	21.0	17.0	18.0	20.0	20.0	25.0	21.0	16.0	20.0	15.0	22.0	21.0	20	107%				
# of Cases UI	0.92%	0.15%	0.51%	0.00%	0.47%	0.17%	0.28%	1.36%	0.00%	0.00%	0.00%	0.70%	0.38%	184%				
# of Cases >90 Days Old %	14	2	7	0	7	3	3	14	0	0	0	10	5	200%				
# of Cases DI	6.26%	6.67%	0.00%	0.00%	0.66%	0.00%	3.36%	2.13%	0.83%	2.65%	2.03%	4.00%	2.54%	157%				
# of Cases NET PVS USED	12	7	0	0	1	0	6	4	1	3	3	7	7	191%				
All	10.08	12.28	12.96	11.47	11.63	10.30	11.54	11.89	12.13	11.39	7.90		11.21	70%				
W/RSU adj	16.06	16.12	15.70	14.01	13.12	15.12	14.58	16.91	15.10	15.75	12.11		14.87	81%				
Net PVS	26.13	28.40	28.66	25.48	24.75	25.42	26.12	27.50	27.23	27.14	20.01		28.00	77%				
Ratio 1/1	1.59	1.31	1.21	1.22	1.13	1.47	1.26	1.37	1.24	1.38	1.53		1.33	116%				
PRODUCTIVITY																		
Weekly Dispos per ALJ (Jan)	55.3	54.6	51.1	42.6	48.2	41.2	57.1	48.3	47.5	41.9	56.9		49.3	115%				
Weekly Dispos per ALJ	55.5	54.9	51.4	42.7	48.5	41.2	57.1	48.8	47.8	42.2	57.0		49.6	115%				
Weekly Dispos (non-ALJ)	34.8	41.8	42.4	35.0	41.2	28.1	45.2	35.5	38.4	30.5	37.2		37.3	100%				

SAN FRANCISCO												2013												SF		Appellants			
WORKLOAD												Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Average	Current Mo. % of Avg.	Total	Current Mo. Average	Total	
New Opened Cases																													
UI TL												1,915	2,026	2,131	2,060	2,165	1,822	1,772	1,648	1,450	1,733	1,421	1,554	1,825	85%	21,902	887	1,042	12,506
DI												54	54	77	48	60	48	68	71	59	56	49	58	58	101%	704			
Ruling & T-R												5	7	7	7	16	13	5	1	2	4	4	7	6	117%	72			
Tax												0	0	1	1	0	0	0	0	1	0	0	0	0	0%	3			
Other												2	1	0	2	2	1	0	2	0	1	0	0	1	0%	11			
Total												1,976	2,088	2,216	2,112	2,243	1,865	1,843	1,922	1,512	1,801	1,474	1,620	1,891	86%	22,692			
Closed Cases																													
UI TL												2,253	2,042	2,141	1,778	1,847	1,717	2,303	2,130	1,734	1,541	1,564	1,448	1,875	77%	22,498	827	1,071	12,846
DI												54	61	51	53	44	52	64	79	72	55	48	51	57	90%	682			
Ruling & T-R												3	5	7	7	3	7	10	9	8	13	24	8	9	71%	102			
Tax												0	0	4	1	0	0	5	2	5	6	3	7	3	255%	33			
Other												0	2	2	2	1	1	3	0	2	0	1	0	1	0%	12			
Total												2,310	2,110	2,205	1,839	1,895	1,777	2,385	2,220	1,821	1,615	1,538	1,512	1,944	78%	23,327			
Balance - Open Cases																													
UI TL												1,806	1,786	1,774	2,054	2,370	2,470	1,938	1,847	1,359	1,556	1,390	1,498	1,604	83%		855	1,030	
DI												53	46	72	67	83	80	82	74	61	64	67	75	69	109%				
Ruling & T-R												7	10	10	4	17	23	18	11	233	224	203	205	80	255%				
Tax												5	5	2	9	16	19	20	28	26	22	20	13	15	84%				
Other												3	2	0	2	3	3	0	2	0	1	0	0	1	0%				
Total												1,874	1,849	1,858	2,136	2,489	2,595	2,058	1,762	1,879	1,867	1,680	1,781	1,970	91%				
Time Lapse																													
<30 Day TL 60%												65.0	83.0	89.1	88.3	71.9	70.5	66.1	72.4	84.9	72.5	91.7	82.8	79.0	105%				
<45 Day TL 80%												86.0	91.6	98.7	99.3	98.6	94.8	88.7	84.2	98.1	95.7	98.2	97.9	94.5	104%				
<90 Day TL 95%												97.4	98.7	99.6	100.0	100.0	99.8	99.9	98.2	99.9	99.4	100.0	100.0	99.4	101%				
CASE AGE																													
Average Days UI (mean)												23.0	17.0	17.5	18.2	20.6	26.2	27.7	16.8	21.8	17.6	19.1	21.5	21	104%				
Average Days UI (median)												19.0	16.0	17.0	19.0	18.0	23.0	19.0	18.0	20.0	16.0	18.0	21.0	19	114%				
>90 Days Case % UI												0.48%	0.25%	0.00%	0.00%	0.00%	0.07%	0.99%	0.10%	0.13%	0.00%	0.00%	0.00%	0.17%	0%				
# of Cases												6	3	0	0	0	1	1	1	1	0	0	0	2	0%				
>90 Days Case % DI												0.00%	1.56%	1.28%	0.00%	0.00%	0.00%	0.00%	0.00%	1.39%	0.00%	1.20%	1.14%	0.55%	208%				
# of Cases												0	1	1	0	0	0	0	0	1	0	1	1	0	240%				
NET PYS USED																													
w/RSU adj												11.02	10.54	10.48	9.26	8.47	10.28	10.01	11.64	9.81	8.48	8.30	8.30	9.88	84%				
Net PYS												12.23	13.26	13.57	12.99	12.86	13.42	13.04	12.75	11.86	13.42	11.85	11.85	12.82	91%				
Ratio 1/1												23.25	23.80	24.05	22.25	21.33	23.70	23.05	24.59	21.87	21.90	19.95	19.95	22.89	88%				
PRODUCTIVITY																													
Weekly Dispos per ALJ (w/RSU)												49.8	52.5	49.8	47.1	50.7	43.0	53.7	42.4	46.0	40.9	53.9	48.2	48.2	112%				
Weekly Dispos per ALJ												49.9	52.7	50.1	47.3	50.8	43.2	54.2	42.6	46.4	41.4	54.8	48.5	48.5	113%				
Weekly Dispos (non-ALJ)												45.0	41.9	38.7	33.7	33.5	33.1	41.6	39.6	38.4	28.2	39.1	37.3	37.3	105%				

CORNERS													CORNERS					
2013													Current Mo. % of Avg.	Total	Appellants Current Mo. Average	Total		
WORKLOAD	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Average					
New Opened Cases																		
UI TL	11,589	9,843	11,082	10,129	10,692	9,820	9,817	9,046	7,801	9,329	7,360	8,359	9,024	87%	115,487	4,773	5,195	65,593
DI	324	251	270	283	296	253	304	251	302	329	268	296	286	104%	3,427			
Ruling & T-R	55	47	21	18	81	57	33	14	14	19	13	17	33	52%	390			
Tax	0	0	0	0	0	2	4	3	1	1	0	2	1	171%	14			
Other	7	3	5	5	7	7	2	4	4	7	1	5	5	105%	57			
Total	11,975	10,141	11,379	10,436	11,078	10,141	10,157	9,918	8,122	9,685	7,662	8,678	9,848	87%	119,375			
Closed Cases																		
UI TL	10,628	10,883	11,899	9,345	10,048	8,152	10,762	10,753	8,973	8,214	7,891	7,334	9,574	77%	114,882	4,188	5,468	65,598
DI	297	227	380	238	238	332	254	277	337	375	203	265	285	93%	3,423			
Ruling & T-R	12	16	49	15	34	35	12	23	186	89	2	5	40	13%	480			
Tax	0	0	5	5	33	22	0	7	6	7	12	10	9	112%	107			
Other	4	6	4	1	5	6	8	5	3	5	2	2	4	47%	51			
Total	10,941	11,132	12,337	9,604	10,358	8,547	11,038	11,065	9,507	8,690	8,110	7,610	9,912	77%	118,943			
Balance - Open Cases																		
UI TL	11,089	9,660	8,616	9,090	9,804	11,008	9,659	8,336	6,899	7,557	7,012	7,585	8,826	86%		4,331	5,040	
DI	406	430	320	385	423	346	396	370	335	207	352	369	367	101%				
Ruling & T-R	545	576	404	408	454	476	487	467	311	242	254	263	410	65%				
Tax	383	383	377	389	376	357	370	371	370	365	359	358	372	96%				
Other	8	5	6	10	12	13	7	5	6	8	7	10	8	124%				
Total	12,411	11,074	9,723	10,262	10,869	12,200	10,929	9,569	7,721	8,462	7,984	8,568	9,983	86%				
Time Lapse																		
<30 Day TL 60%	52.5	68.9	76.4	76.6	68.0	59.4	64.3	78.5	86.5	67.6	82.6	77.2	71.4	108%				
<45 Day TL 80%	64.2	88.8	94.8	97.0	94.7	92.9	85.9	89.9	96.1	97.1	96.1	94.1	82.6	102%				
<90 Day TL 95%	97.6	98.2	99.1	99.3	99.5	99.8	99.5	99.4	98.7	98.7	99.3	99.1	99.1	100%				
CASE AGE																		
Average Days	25.0	21.7	20.2	21.0	21.1	25.5	23.8	19.0	23.2	19.7	21.6	23.7	22	107%				
Average Days	21.7	18.7	18.0	19.0	19.3	23.0	19.0	16.7	21.3	17.0	19.0	20.8	19	107%				
>90 Days Old %	1.10%	1.34%	0.79%	0.45%	0.06%	0.27%	0.61%	1.43%	0.89%	0.79%	0.48%	0.51%	0.73%	70%				
# of Cases	30	29	16	10	2	7	16	27	14	15	9	11	16	69%				
>90 Days Old %	5.13%	6.91%	8.51%	3.36%	1.37%	2.81%	1.77%	1.64%	5.08%	1.17%	0.98%	1.76%	3.21%	55%				
# of Cases	11	14	10	5	2	4	3	3	7	1	1	3	5	50%				
NET PYS USED																		
All	53.67	57.35	56.48	50.50	48.24	50.86	52.34	57.18	50.46	45.03	43.25	43.25	51.40	84%				
w/RSU adj	53.76	57.58	60.49	54.87	56.04	59.44	55.53	59.06	55.00	59.15	48.41	48.41	56.30	86%				
Net Pys	107.43	114.93	116.97	105.37	104.28	110.30	107.87	116.24	105.46	104.18	91.66	91.66	107.70	85%				
Ratio 1/1	1.00	1.00	1.07	1.09	1.16	1.17	1.06	1.03	1.09	1.31	1.12	1.12	1.10	102%				
PRODUCTIVITY																		
Weekly Dispos per ALJ (w/RSU)	48.5	42.1	57.2	41.3	56.1	41.7	50.1	50.8	43.9	45.4	42.5	42.5	47.2	90%				
Weekly Dispos per ALJ	48.5	42.2	57.5	41.3	56.5	42.0	50.2	50.9	44.9	45.9	42.6	42.6	47.5	90%				
Weekly Dispos (non-ALJ)	48.5	42.0	53.7	38.1	48.6	35.9	47.3	48.3	41.2	35.0	38.1	38.1	43.4	88%				

SAN DIEGO		2013												SD		Appellants		
		Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Average	Current Mo. % of Avg.	Total	Current Mo. Average	Total
WORKLOAD																		
New Opened Cases																		
UI TL	3,639	3,290	3,712	3,540	3,812	3,510	3,089	3,280	2,698	3,031	2,610	2,587	3,242	80%	38,898	1,477	1,891	22,211
DI	97	71	83	85	80	83	92	70	87	87	78	68	82	83%	981			
Ruling & T-R	13	12	12	5	21	18	5	4	5	11	6	6	10	81%	118			
Tax	0	0	0	0	0	4	1	3	1	1	0	2	1	200%	12			
Other	3	1	1	0	1	0	1	2	1	3	1	4	2	267%	18			
Total	3,962	3,374	3,808	3,630	3,914	3,615	3,189	3,359	2,892	3,133	2,695	2,667	3,336	80%	40,027			
Closed Cases																		
UI TL	3,669	3,437	4,020	3,514	3,671	3,011	3,798	3,332	2,933	2,705	2,458	2,270	3,234	70%	38,806	1,296	1,847	22,156
DI	75	59	76	99	91	70	61	67	82	123	59	59	76	78%	911			
Ruling & T-R	0	0	0	0	2	2	3	1	135	82	1	0	19	0%	226			
Tax	0	0	0	0	32	19	0	7	6	1	4	2	6	34%	71			
Other	1	1	3	0	1	0	1	1	1	1	1	0	1	0%	11			
Total	3,745	3,497	4,099	3,603	3,797	3,102	3,851	3,408	3,157	2,912	2,523	2,331	3,335	70%	40,025			
Balance - Open Cases																		
UI TL	3,302	3,147	2,826	2,845	2,974	3,452	2,747	2,681	2,339	2,592	2,720	2,595	2,851	91%		1,482	1,828	
DI	79	91	98	94	83	97	128	131	136	96	117	112	105	106%				
Ruling & T-R	262	274	286	291	310	326	328	331	200	130	135	141	251	56%				
Tax	260	260	259	269	247	232	242	242	241	245	242	242	248	97%				
Other	3	3	1	1	1	1	1	2	2	4	4	8	3	310%				
Total	3,906	3,775	3,470	3,500	3,615	4,108	3,446	3,387	2,918	3,059	3,216	3,096	3,456	90%				
Time Lapse																		
<30 Day TL 60%	36.7	64.1	74.6	79.2	66.6	68.0	73.8	92.0	82.5	62.6	68.6	79.0	72.5	109%				
<45 Day TL 80%	82.6	89.8	96.0	97.5	96.5	97.0	93.5	97.3	99.0	98.1	97.8	96.9	95.3	101%				
<60 Day TL 95%	98.8	99.1	99.4	99.1	99.8	100.0	99.7	99.6	99.6	99.9	100.0	99.3	99.5	99%				
CASE AGE																		
Average Days UI (mean)	24.0	21.0	21.6	18.7	20.0	22.7	18.5	15.9	21.3	18.0	21.1	25.1	21	122%				
Average Days UI (median)	22.0	20.0	18.0	18.0	18.0	20.0	16.0	16.0	20.0	16.0	18.0	21.5	19	115%				
>90 Days Out %	0.51%	0.68%	1.02%	0.17%	0.00%	0.26%	0.00%	0.12%	0.14%	0.00%	0.43%	0.92%	0.35%	260%				
# of Cases	14	16	23	4	0	6	0	2	2	0	7	19	8	245%				
>90 Days Out %	2.06%	2.50%	5.08%	3.23%	0.83%	0.89%	0.71%	2.53%	7.84%	1.65%	1.45%	3.85%	2.72%	142%				
# of Cases	2	3	6	4	1	1	1	4	12	2	2	5	4	140%				
NET PYS USED																		
ALL	19.70	20.06	20.39	19.90	18.52	19.80	17.99	19.59	17.10	15.33	14.89	16.45	16.45	81%				
WIRSU adj	19.49	18.90	20.35	19.24	19.91	21.52	20.50	21.32	20.45	22.42	18.30	20.22	20.22	91%				
Net Pys	39.19	38.96	40.74	38.84	38.43	41.32	38.49	40.91	37.55	37.75	33.19	36.67	36.67	86%				
Ratio 1/1	0.89	0.94	1.00	0.96	1.08	1.09	1.14	1.09	1.20	1.46	1.23	1.10	1.10	112%				
PRODUCTIVITY																		
Weekly Dispos per ALJ (USBL)	45.3	37.9	52.9	40.0	53.5	38.9	50.9	45.7	42.0	43.9	38.4	44.5	44.5	83%				
Weekly Dispos per ALJ	45.3	37.9	52.9	40.0	54.0	39.2	51.0	45.8	44.0	45.2	38.5	44.9	44.9	85%				
Weekly Dispos (non-ALJ)	45.7	40.2	53.0	40.7	50.2	36.0	44.7	42.1	36.8	30.9	31.3	41.1	41.1	76%				

INLAND	2013												Average	Current Mo. % of Avg.	Total	Appellants Current Mo Average	Total	
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec						
WORKLOAD																		
New Opened Cases																		
UI TL	3,603	3,212	3,400	3,258	3,176	3,016	3,327	3,198	2,446	3,143	2,134	2,740	3,063	89%	36,753	1,565	1,749	20,986
DI	141	82	110	116	131	85	108	91	131	143	115	134	116	116%	1,387			
Ruling & T-R	29	20	5	7	22	19	12	3	6	3	5	6	11	53%	137			
Tax	0	0	0	0	0	0	0	0	0	0	0	0	0	0%	2			
Other	0	1	2	3	3	2	0	1	1	3	0	0	1	0%	16			
Total	3,773	3,315	3,517	3,482	3,334	3,124	3,447	3,293	2,584	3,292	2,254	2,880	3,191	90%	38,295			
Closed Cases																		
UI TL	3,144	3,391	3,838	2,750	3,119	2,467	3,253	3,030	3,063	2,647	2,489	2,487	2,974	84%	35,688	1,420	1,898	20,378
DI	139	89	171	77	80	190	118	71	148	146	71	118	118	100%	1,418			
Ruling & T-R	0	1	0	0	0	0	0	0	0	0	0	0	0	0%	1			
Tax	0	0	1	5	1	3	0	0	0	6	8	8	3	300%	32			
Other	0	1	0	1	2	2	2	3	0	2	0	2	1	160%	15			
Total	3,283	3,482	4,010	2,833	3,202	2,667	3,363	3,104	3,211	2,801	2,568	2,615	3,096	84%	37,154			
Balance - Open Cases																		
UI TL	3,749	3,375	2,723	3,115	3,059	3,368	3,229	3,206	2,139	2,489	2,128	2,378	2,913	82%		1,358	1,864	
DI	718	211	150	189	240	136	126	146	129	126	170	186	169	110%				
Ruling & T-R	153	172	33	40	61	80	92	94	99	102	108	114	96	119%				
Tax	119	119	118	120	129	125	127	128	128	123	116	116	122	95%				
Other	1	1	3	5	6	6	4	1	2	3	3	3	3	33%				
Total	4,240	3,878	3,027	3,489	3,495	3,715	3,578	3,577	2,497	2,843	2,525	2,795	3,303	85%				
Time Lapse																		
<30 Day TL 60%	72.0	74.9	83.5	77.5	71.2	61.8	69.3	85.4	85.9	85.0	91.4	87.4	78.8	111%				
<45 Day TL 80%	91.9	91.1	95.2	97.1	95.3	95.9	89.1	92.8	93.8	99.1	99.0	97.4	94.6	103%				
<90 Day TL 95%	97.1	97.6	99.7	99.1	99.0	100.0	99.3	99.5	96.7	99.6	99.0	99.9	98.8	101%				
CASE AGE																		
Average Days UI (mean)	25.0	22.0	19.9	22.1	20.9	25.2	23.0	20.7	21.8	17.5	19.7	19.9	21	93%				
Average Days UI (median)	21.0	17.0	18.0	19.0	20.0	23.0	18.0	17.0	20.0	15.0	18.0	19.0	19	101%				
>90 Days Old % UI	1.45%	2.32%	1.17%	1.06%	0.00%	0.14%	0.32%	2.65%	0.81%	1.09%	0.14%	0.20%	0.85%	21%				
# of Cases	35	46	22	23	0	3	6	50	10	18	2	3	18	17%				
>90 Days Old % DI	12.50%	16.23%	12.14%	4.63%	0.00%	4.12%	1.44%	1.52%	4.14%	0.67%	0.51%	1.42%	4.94%	28%				
# of Cases	30	37	21	10	0	7	2	3	8	1	1	3	10	30%				
NET PYS USED																		
ALJ	15.61	16.92	17.70	14.23	19.75	14.49	15.28	16.56	16.07	13.44	13.66		15.16	50%				
w/RSU adj Non ALJ	12.85	15.24	16.34	14.98	15.00	16.20	15.01	17.09	15.64	17.56	13.05		15.38	85%				
Net Pys	28.46	32.16	34.04	29.21	28.75	30.69	30.29	32.65	31.71	31.00	26.71		30.52	88%				
Ratio 1/1	0.82	0.90	0.92	1.05	1.09	1.12	0.98	1.10	0.97	1.31	0.96		1.01	94%				
PRODUCTIVITY																		
Weekly Dispos per ALJ (total)	50.1	44.7	59.6	43.2	61.2	45.8	52.7	52.4	47.6	49.5	42.6		49.9	85%				
Weekly Dispos per ALJ (w/RSU adj)	50.1	44.7	59.6	43.3	61.3	45.9	52.7	52.5	47.8	49.8	42.7		50.0	85%				
Weekly Dispos (non-ALJ)	60.8	49.7	64.6	41.3	56.2	41.1	53.7	47.8	48.9	38.0	44.7		49.7	90%				

SACRAMENTO												2013												SAC					
WORKLOAD												Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Average	Current Mo. % of Avg.	Total	Appellants Current Mo. Average	Total	
New Opened Cases												4,147	3,341	3,070	3,233	3,704	3,292	3,401	3,168	2,757	3,155	2,636	3,032	3,320	91%	39,836	1,731	1,936	22,746
UI TL												86	96	77	82	85	85	104	90	84	99	75	94	88	107%	1,059			
Ruling & T-R												13	15	4	7	38	20	16	7	3	5	2	5	11	44%	135			
Tax												0	0	0	0	0	0	0	0	0	0	0	0	0	#DIV/0!	0			
Other												4	1	2	2	3	5	1	1	2	1	0	1	2	52%	23			
Total												4,250	3,455	4,053	3,324	3,830	3,402	3,522	3,265	2,846	3,250	2,713	3,132	3,421	92%	41,053			
Closed Cases																													
UI TL												3,815	4,055	4,041	3,081	3,256	2,674	3,713	4,391	2,977	2,862	2,944	2,577	3,366	77%	40,388	1,471	1,922	23,062
DI												63	79	133	72	67	72	75	139	107	106	73	88	91	97%	1,094			
Ruling & T-R												12	15	49	15	32	33	9	22	53	7	1	5	21	24%	253			
Tax												0	0	4	0	0	0	0	0	0	0	0	0	0	0%	4			
Other												3	4	1	0	2	4	5	1	2	2	1	0	2	0%	25			
Total												3,913	4,153	4,228	3,168	3,359	2,763	3,802	4,553	3,139	2,977	3,019	2,670	3,480	77%	41,764			
Balance - Open Cases																													
UI TL												4,018	3,158	3,067	3,130	3,571	4,188	3,683	2,447	2,221	2,486	2,164	2,612	3,052	85%		1,491	1,748	
DI												109	128	72	82	100	113	142	93	70	63	65	71	92	77%				
Ruling & T-R												130	130	85	77	83	70	77	62	12	10	11	11	63	17%				
Tax												4	4	0	0	0	0	1	1	1	0	1	0	1	0%				
Other												4	1	2	4	5	6	2	2	2	1	0	1	3	40%				
Total												4,265	3,421	3,226	3,293	3,759	4,377	3,905	2,605	2,305	2,560	2,241	2,695	3,221	84%				
Time Lapse																													
<30 Day TL 60%												46.8	61.7	71.2	73.1	69.2	58.3	49.9	58.2	81.0	55.2	67.5	65.2	62.9	104%				
<45 Day TL 80%												78.0	85.4	93.1	96.3	90.3	85.7	75.2	79.5	95.5	95.0	92.4	89.9	87.9	101%				
<90 Day TL 95%												96.9	97.9	98.2	99.8	99.8	99.5	99.5	98.8	99.7	99.5	99.9	99.1	99.1	100%				
CASE AGE																													
Average Days UI (mean)												26.0	22.0	19.1	22.2	22.4	26.8	29.9	20.4	26.4	23.6	24.0	26.0	24	107%				
Average Days UI (median)												22.0	19.0	18.0	20.0	20.0	26.0	23.0	17.0	24.0	20.0	21.0	22.0	21	105%				
90 Days Out %												1.33%	1.02%	0.17%	0.13%	0.18%	0.41%	1.52%	1.48%	1.73%	1.29%	0.91%	0.41%	0.88%	47%				
# of Cases												42	24	4	3	5	13	42	29	29	28	18	10	21	49%				
90 Days Out %												0.83%	1.99%	2.30%	2.22%	3.28%	3.42%	3.16%	0.67%	3.26%	1.19%	0.97%	0.00%	1.96%	0%				
# of Cases												1	3	2	2	4	5	5	1	3	1	1	0	2	0%				
NET PYS USED																													
All												18.36	20.37	18.39	16.87	15.97	16.57	19.07	22.03	17.29	16.28	14.70		17.79	83%				
WRSU adf												21.42	23.44	23.80	20.65	21.13	21.72	20.02	20.65	18.91	19.17	17.06		20.72	82%				
Net Pys												39.78	43.81	42.19	37.32	37.10	38.29	39.09	42.68	36.20	35.43	31.76		38.51	82%				
Ratio 1/												1.17	1.15	1.29	1.24	1.32	1.31	1.05	0.94	1.09	1.18	1.18		1.17	100%				
PRODUCTIVITY																													
Weekly Dispos per All Juscol												50.5	44.1	59.7	41.1	54.8	41.4	47.3	54.1	42.5	43.5	46.6		47.8	98%				
Weekly Dispos per AllJ												50.7	44.3	60.5	41.3	55.4	42.0	47.5	54.4	43.2	43.8	46.7		48.1	97%				
Weekly Dispos (non-AllJ)												43.5	38.5	46.7	33.4	41.8	32.0	45.2	58.0	39.5	37.0	40.2		41.4	97%				

CENTRAL		2013												CENTRAL		Appellants		
WORKLOAD		Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Average	Current Mo. % of Avg.	Total	Current Mo. Average	Total
New Opened Cases																		
UI TL	6,678	6,115	6,795	6,454	6,868	5,337	5,755	5,864	5,115	5,297	4,659	5,277	5,650	90%	70,204	3,013	3,341	40,086
DI	188	142	188	209	186	153	178	191	168	166	174	158	178	89%	2,141			
Ruling & T-R	40	25	21	21	68	50	26	16	8	7	19	15	26	57%	317			
Tax	0	0	4	0	0	0	0	0	1	0	0	1	1	200%	6			
Other	7	4	1	2	1	2	2	1	2	1	1	3	2	133%	27			
Total	6,913	6,286	7,009	6,696	7,113	5,542	5,961	6,072	5,315	5,491	4,853	5,454	6,056	90%	72,695			
Closed Cases																		
UI TL	6,442	6,869	7,615	5,917	5,605	5,333	7,880	6,437	5,542	5,858	4,950	4,590	6,095	75%	73,138	2,621	3,480	41,762
DI	210	190	230	136	147	116	246	202	187	229	129	151	191	83%	2,175			
Ruling & T-R	16	35	87	40	25	22	56	23	34	147	9	50	44	115%	523			
Tax	1	1	1	2	5	9	0	1	6	2	3	2	3	73%	33			
Other	3	5	10	0	1	1	3	0	2	1	2	1	2	41%	29			
Total	6,671	7,100	7,923	6,095	5,983	5,481	8,187	6,663	5,771	6,237	4,993	4,794	6,325	76%	75,898			
Balance - Open Cases																		
UI TL	6,300	5,666	5,256	5,976	7,146	7,178	5,195	4,806	4,242	3,885	3,689	4,591	5,327	86%		2,621	3,042	
DI	238	190	149	222	261	297	228	217	218	179	223	239	222	108%				
Ruling & T-R	98	86	165	165	207	235	205	198	357	220	230	195	198	98%				
Tax	73	72	74	92	95	92	62	66	82	97	96	103	87	118%				
Other	10	9	0	2	2	3	2	3	3	3	2	4	4	112%				
Total	6,717	6,223	5,664	6,457	7,711	7,805	5,712	5,109	4,902	4,363	4,240	5,132	5,838	88%				
Three Lapse																		
<30 Day TL 60%	46.6	69.1	82.4	82.0	74.0	59.0	60.5	80.7	67.5	74.8	88.5	84.9	74.2	114%				
<45 Day TL 80%	85.5	87.2	95.2	96.1	96.3	94.1	91.0	92.4	94.1	96.6	97.8	96.8	93.6	103%				
<90 Day TL 95%	97.1	97.0	98.8	98.4	99.5	99.5	98.9	98.3	97.9	99.9	99.6	99.2	98.7	101%				
CASE AGE																		
Average Days	UI (mean)	24.7	20.7	19.7	20.3	21.2	23.8	21.8	19.1	22.0	20.5	21.4	21	102%				
Average Days	UI (median)	19.3	17.7	17.7	18.0	19.0	21.3	17.3	16.3	21.7	15.3	17.7	19	112%				
>90 Days Old %	UI	1.74%	0.89%	0.28%	0.57%	0.21%	0.19%	0.70%	0.54%	0.15%	0.16%	0.84%	0.42%	78%				
# of Cases	DI	30	15	3	8	3	3	9	8	1	2	7	7	71%				
>90 Days Old %	DI	2.44%	2.65%	2.28%	2.64%	2.89%	5.04%	3.05%	0.71%	0.53%	0.75%	1.09%	1.97%	91%				
NET PYS USED																		
ALJ	33.49	37.51	36.58	31.21	28.00	34.31	34.61	33.91	30.43	31.74	24.45		32.39	75%				
Non ALJ	37.59	40.26	42.62	38.31	40.66	37.77	36.61	37.67	34.65	36.03	30.47		37.51	81%				
Net Pys	71.08	77.77	79.20	69.52	68.66	72.08	71.22	71.58	65.08	67.77	54.92		69.90	79%				
Ratio 1/	1.12	1.07	1.17	1.23	1.45	1.10	1.06	1.11	1.14	1.14	1.25		1.16	108%				
PRODUCTIVITY																		
Weekly Dispos per ALJ (ukid)	47.3	40.9	56.4	42.2	55.9	39.7	55.9	51.5	44.8	45.7	46.3		47.9	97%				
Weekly Dispos per ALJ	47.4	41.1	57.0	42.5	56.2	39.9	56.3	51.7	45.2	46.6	46.4		48.2	96%				
Weekly Dispos (non-ALJ)	42.3	38.3	48.9	34.6	38.7	36.3	53.2	46.5	38.7	41.2	37.2		41.5	90%				

FRESNO	2013												Average	FOA		Appellants		
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec		% of Avg.	Total	Current Mo.	Average	Total
WORKLOAD																		
New Opened Cases																		
UITL	1,842	1,872	1,924	1,880	2,288	1,571	1,780	1,627	1,516	1,407	1,454	1,380	1,708	81%	20,491	788	975	11,700
DI	48	43	35	61	59	54	53	66	60	31	67	36	51	69%	612			
Ruling & T-R	8	12	5	6	17	15	8	5	1	5	14	6	9	71%	102			
Tax	0	0	0	0	0	0	0	0	0	0	0	0	0	#DNM/0	0			
Other	1	2	0	0	0	0	0	1	1	0	0	0	0	0%	5			
Total	1,899	1,928	1,964	1,917	2,364	1,640	1,821	1,699	1,578	1,443	1,535	1,421	1,768	80%	21,210			
Closed Cases																		
UITL	1,999	1,956	2,018	1,721	2,344	1,827	2,020	2,044	1,310	1,595	1,421	1,263	1,793	70%	21,518	721	1,024	12,287
DI	61	57	52	29	64	39	94	40	52	67	22	42	51	83%	609			
Ruling & T-R	12	14	11	5	2	6	21	2	17	140	9	30	22	134%	268			
Tax	1	1	0	1	2	3	0	1	0	0	2	0	1	0%	11			
Other	0	1	2	0	0	0	0	0	0	1	0	1	0	240%	5			
Total	2,073	2,029	2,083	1,756	2,412	1,874	2,125	2,087	1,379	1,803	1,454	1,336	1,869	72%	22,411			
Balance - Open Cases																		
UITL	1,619	1,864	1,767	1,686	1,937	1,717	1,618	1,196	1,397	1,203	1,237	1,528	1,581	97%		872	903	
DI	69	55	38	70	65	80	49	75	83	48	93	94	69	138%				
Ruling & T-R	20	18	12	13	28	38	25	28	196	61	66	42	48	92%				
Tax	19	18	17	33	31	27	23	24	22	37	35	35	27	131%				
Other	1	2	0	0	0	0	0	1	2	1	1	0	1	0%				
Total	1,726	1,957	1,834	2,002	2,091	1,862	1,715	1,324	1,700	1,350	1,432	1,699	1,722	99%				
Time Lapse																		
<30 Day TL 60%	60.0	81.9	81.5	68.2	74.5	61.3	63.0	64.1	78.0	61.0	80.5	82.6	71.2	116%				
<45 Day TL 80%	93.2	92.2	95.8	93.4	95.1	94.3	92.2	86.2	87.9	95.4	96.4	98.2	93.4	105%				
<90 Day TL 95%	97.9	97.0	99.2	96.1	99.2	99.5	96.6	95.3	95.8	99.9	100.0	99.9	98.2	102%				
CASE AGE																		
Average Days UI (mean)	22.0	21.0	23.0	21.8	20.6	22.7	26.8	23.0	24.1	19.2	20.2	21.1	22	95%				
Average Days UI (median)	17.0	17.0	19.0	19.0	18.0	19.0	21.0	17.0	24.0	16.0	18.0	21.0	19	112%				
<20 Days Out % UI	1.53%	0.56%	0.45%	0.74%	0.08%	0.03%	1.26%	0.11%	0.14%	0.00%	0.00%	0.00%	0.41%	0%				
# of Cases	16	7	5	9	1	1	16	1	1	0	0	0	5	0%				
>90 Days Out % DI	1.18%	1.43%	1.45%	2.20%	1.25%	3.33%	0.00%	0.00%	0.00%	0.00%	0.86%	5.02%	1.40%	359%				
# of Cases	1	1	1	2	1	3	0	0	0	0	1	6	1	450%				
NET PYS USED																		
ALJ	885	924	968	867	10,03	9,82	8,64	8,80	6,84	8,32	6,34		8,06	73%				
w/RSU adj Non ALJ	11,41	12,81	13,93	12,92	14,47	13,85	11,93	12,20	10,46	10,51	8,83		12,13	74%				
Net Pys	20,26	22,05	23,61	21,59	24,50	23,67	20,57	21,00	17,30	18,83	15,27		20,79	73%				
Ratio 1 /	1,29	1,39	1,44	1,49	1,44	1,41	1,38	1,38	1,53	1,26	1,41		1,40	101%				
PRODUCTIVITY																		
Weekly Dispos per ALJ (incl)	55.4	47.4	56.3	43.9	63.2	47.5	58.0	62.3	47.4	47.6	51.7		52.8	98%				
Weekly Dispos per ALJ	55.8	47.7	56.6	44.0	63.3	47.7	58.6	62.4	48.0	51.6	52.1		53.4	98%				
Weekly Dispos (non-ALJ)	43.3	34.4	39.4	28.5	43.9	33.8	42.4	45.0	31.4	40.9	37.0		38.3	97%				

OXNARD												2013												OX					
WORKLOAD												Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Average	Current Mo. % of Avg.	Total	Appellants Current Mo. Average	Total	
New Opened Cases																													
UI TL												2,409	1,854	1,942	2,189	2,184	1,739	1,683	1,907	1,618	1,633	1,487	1,764	1,875	95%	22,499	1,019	1,071	12,947
DI												79	52	37	63	72	72	64	69	65	79	61	45	62	73%	743			
Ruling & T-R												10	6	11	8	24	13	9	2	6	1	1	5	8	63%	96			
Tax												0	0	1	0	0	0	0	0	0	0	0	0	0	0%	1			
Other												5	1	0	1	0	2	2	0	1	0	1	2	1	180%	15			
Total												2,503	1,913	1,991	2,266	2,280	1,806	1,758	1,978	1,720	1,773	1,530	1,836	1,948	94%	23,354			
Closed Cases																													
UI TL												2,206	2,132	2,402	1,991	1,628	1,759	2,317	2,044	1,832	2,006	1,518	1,368	1,943	70%	23,313	781	1,109	13,312
DI												75	62	83	33	35	26	82	86	72	88	62	59	64	93%	765			
Ruling & T-R												0	0	43	28	23	0	14	0	0	4	0	10	10	98%	122			
Tax												0	0	1	1	1	1	0	0	0	0	1	1	1	200%	6			
Other												1	3	6	0	1	0	2	0	2	0	1	0	1	0%	16			
Total												2,282	2,197	2,535	2,053	1,638	1,798	2,415	2,130	2,006	2,098	1,582	1,438	2,019	71%	24,222			
Balance - Open Cases																													
UI TL												1,936	1,656	1,412	1,810	2,361	2,349	1,719	1,577	1,371	1,057	989	1,413	1,640	85%		807	936	
DI												79	69	23	58	95	119	101	84	77	68	67	53	74	71%				
Ruling & T-R												41	47	190	139	140	153	147	149	156	152	153	148	132	112%				
Tax												41	41	41	43	43	42	34	36	41	41	41	39	40	97%				
Other												8	8	0	1	0	2	2	2	1	1	1	3	2	133%				
Total												2,105	1,819	1,636	2,051	2,659	2,665	2,003	1,846	1,645	1,319	1,260	1,656	1,889	89%				
Time Lapse																													
<30 Day TL 60%												57.0	72.9	92.2	93.4	89.3	83.2	79.4	90.3	93.4	81.6	92.8	89.9	84.6	106%				
<45 Day TL 80%												91.9	90.5	97.7	98.7	98.0	96.4	98.0	95.8	97.8	96.2	99.2	98.2	96.8	102%				
>90 Day TL 95%												99.7	98.2	99.5	99.7	100.0	100.0	99.9	100.0	99.7	99.9	99.9	100.0	99.7	100%				
CASE AGE																													
Average Days UI (mean)												22.0	18.0	16.2	16.9	17.4	19.5	17.2	18.3	20.5	15.6	17.9	20.8	18	114%				
Average Days UI (median)												17.0	16.0	16.0	16.0	16.0	19.0	16.0	18.0	20.0	16.0	17.0	20.0	17	119%				
>90 Days cur % UI												0.56%	0.64%	0.10%	0.10%	0.09%	0.10%	0.12%	0.11%	0.25%	0.00%	0.00%	0.00%	0.17%	0%				
# of Cases												7	7	1	1	1	1	1	1	2	0	0	0	2	0%				
>90 Days cur % DI												1.06%	0.00%	0.00%	0.00%	1.77%	6.62%	0.83%	0.95%	0.53%	2.25%	0.00%	0.00%	1.17%	0%				
# of Cases												1	0	0	0	2	9	1	1	1	2	0	0	1	0%				
NET PYS USED																													
w/RSU adj												12.17	13.32	12.57	10.85	6.93	11.32	11.14	11.38	11.50	11.28	8.97	8.97	11.22	80%				
Net PYS												12.09	12.46	12.62	10.59	10.72	11.46	10.82	11.57	10.40	10.81	9.12	8.09	11.15	82%				
Ratio 1 /												24.26	25.76	25.19	21.44	19.65	22.78	21.96	22.96	21.90	22.09	18.09	18.09	22.37	81%				
PRODUCTIVITY																													
Weekly Dispos per ALJ (UKOD)												44.6	36.8	52.0	40.6	48.0	39.7	51.3	49.2	41.5	44.2	40.0	40.0	44.4	90%				
Weekly Dispos per ALJ												44.6	36.9	53.1	41.1	49.7	38.7	51.6	49.2	41.5	41.3	40.1	40.1	44.8	90%				
Weekly Dispos (non-ALJ)												44.9	38.3	52.9	42.3	41.4	39.2	53.1	48.4	45.9	48.2	39.4	39.4	44.7	88%				

AO REPORT TO BOARD -- MONTH OF DECEMBER 2013

	# Cases	# Appellants	Calendar Yr Avg
REGISTRATIONS	1665	973	2021
DISPOSITIONS	2208	1325	2136
OPEN BALANCE	1970	1125	2241
PENDING REG. (2/1/12)			
APPEAL RATE	6.50%		

CASE AGING 33.8 MET DOL REQUIREMENT (40 DAYS OR LESS)

TIME LAPSE EXCEEDED DOL STANDARDS IN ALL CATAGORIES

45 Days (50%)	52
75 Days (80%)	92
150 Days (95%)	100

ADDITIONAL INFORMATION

FO to AO Monthly Report 1.9 days
FO ALJs working in AO 1

WEEKLY AO WORKLOAD REPORT
December 2013

Week Ending	Unreg total	Appeals Rec'd	Registrations	Dispositions	Open Balance	Change
12/6/2013	310	524	388	417	2518	-19
12/13/2013	156	482	542	466	2574	56
12/20/2013	138	392	378	629	2315	-259
12/27/2013	266	347	195	357	2153	-153
12/31/2013						

12/1/2013-12/31/2013
Running Total

1745

1503

1869

Week Ending	Average Case age	45-Day (50%) Time Lapse	75-Day (80%) Time Lapse	150-Day (95%) Time Lapse
12/6/2013	33.2	33.86%	93.99%	100.00%
12/13/2013	31.6	35.34%	89.08%	99.43%
12/20/2013	31.5	64.76%	93.53%	99.78%
12/27/2013	33.7	61.07%	91.39%	99.18%
12/31/2013				

12/1/2013-12/31/2013

WEEKLY AO WORKLOAD REPORT
January 2014

Week Ending	Unreg total	Appeals Rec'd	Registrations	Dispositions	Open Balance	Change
1/3/2014	271	191	145	248	1885	-107
1/10/2014						
1/17/2014						
1/24/2014						
1/31/2014						

1/1/2014-1/31/2014
Running Total 191 145 248

Week Ending	Average Case age	45-Day (50%) Time Lapse	75-Day (80%) Time Lapse	150-Day (95%) Time Lapse
1/3/2014	34.6	68.18%	95.45%	100.00%
1/10/2014				
1/17/2014				
1/24/2014				
1/31/2014				

1/1/2014-1/31/2014

ALL PROGRAM TRENDS-AO

REGISTRATIONS

	Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Total	Avg.	% Chg of Avg	Yr-Yr AvgChg
2010	2,470	2,136	3,081	2,779	2,362	2,691	2,518	2,957	3,089	2,658	2,796	2,721	32,258	2,688		
2011	2,506	2,625	3,779	3,046	3,318	2,971	3,021	3,267	3,259	3,298	2,341	2,561	35,992	2,999	112%	311
2012	2,789	2,316	3,555	2,608	2,418	1,958	2,407	2,932	2,430	2,728	2,376	2,156	30,673	2,556	85%	-443
2013	2,789	2,721	3,003	3,403	2,735	2,082	2,057	2,055	2,359	2,377	1,612	1,665	28,858	2,405	94%	-151
2012														94%	94%	
2011														80%	80%	
2010														89%	89%	

Registrations Jan to date down 6% from 2012, down 20% from 2011, and down 11% from 2010.

Registration monthly average down 6% from 2012, down 20% from 2011, and down 11% from 2010.

chg to '13 avg chg to '13 YTD

DISPOSITIONS

	Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Total	Avg.	% Chg of Avg	Yr-Yr AvgChg
2010	2,210	2,634	2,764	2,707	2,534	2,949	2,352	2,657	2,647	2,853	2,565	2,360	31,232	2,603		
2011	2,601	2,626	2,583	2,546	2,994	3,447	2,361	2,860	4,116	3,804	3,130	3,022	36,090	3,008	116%	405
2012	2,917	3,106	3,407	2,747	2,310	1,816	2,653	3,087	2,709	2,341	2,327	2,608	32,028	2,669	89%	-339
2013	2,921	2,314	3,498	2,810	2,605	1,999	2,258	2,716	2,120	1,853	1,660	2,208	28,962	2,414	90%	-256
2012														90%	90%	
2011														80%	80%	
2010														93%	93%	

Dispositions Jan to date down 10% from 2012, down 20% from 2011, and down 7% from 2010.

Disposition monthly average down 10% from 2012, down 20% from 2011, and down 7% from 2010.

chg to '13 avg chg to '13 YTD

BALANCE OPEN CASES

	Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec	End of yr Total	Avg.	% Chg of Avg	Yr-Yr AvgChg
2010	3,177	2,668	3,000	3,058	2,886	2,635	2,837	3,135	3,591	3,387	3,626	3,973	3,973	3,164		
2011	3,872	3,870	4,984	5,543	5,814	5,356	6,020	6,423	5,566	5,057	4,265	3,792	3,792	5,047	159%	1,882
2012	3,663	2,902	3,018	2,906	3,014	3,141	2,948	2,758	2,509	2,863	2,894	2,340	2,340	2,913	58%	-2,134
2013	2,057	2,452	1,910	2,509	2,625	2,671	2,484	1,804	2,049	2,575	2,562	1,970		2,306	79%	-607
2012														79%	79%	
2011														46%	46%	
2010														73%	73%	

Open Balance Jan to date down 21% from 2012, down 54% from 2011, and down 27% from 2010.

Open Balance monthly average down 21% from 2012, down 54% from 2011, and down 27% from 2010.

chg to '13 avg chg to '13 YTD

UI TRENDS-AO
Program Codes 1, 2, 3, 4, 5, 6, 8, 23, 24, 28, 29, 30, 31, 33, 34, 35, 36, 37, 38, 41, 42

REGISTRATIONS

	Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Total	Avg.	% Chg of Avg	Yr-Yr AvgChg	
2010	2,374	2,049	2,870	2,656	2,262	2,575	2,404	2,862	2,945	2,547	2,654	2,600	30,798	2,567			
2011	2,389	2,509	3,616	2,882	3,165	2,850	2,858	3,104	3,115	3,121	2,223	2,405	34,237	2,853	111%	287	
2012	2,661	2,205	3,383	2,517	2,307	1,875	2,319	2,824	2,338	2,632	2,260	2,091	29,412	2,451	86%	-402	
2013	2,708	2,596	2,942	3,223	2,614	2,014	1,997	1,978	2,276	2,233	1,541	1,591	27,713	2,309	94%	-142	
													2012	94%	94%		
													2011	81%	81%		
													2010	90%	90%		
																chg to '13 avg	
																	chg to '13 YTD

UI registrations Jan to date are down 6% from 2012, down from 19% from 2011, and down 10% from 2010

UI registration monthly average is down 6% from 2012, down 19% from 2011, and down 10% from 2010

DISPOSITIONS

	Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Total	Avg.	% Chg of Avg	Yr-Yr AvgChg	
2010	2,115	2,508	2,646	2,519	2,435	2,785	2,267	2,539	2,550	2,748	2,442	2,276	29,830	2,486			
2011	2,476	2,459	2,464	2,442	2,859	3,265	2,252	2,722	3,951	3,595	2,976	2,884	34,345	2,862	115%	376	
2012	2,780	2,960	3,237	2,626	2,211	1,747	2,538	2,958	2,582	2,235	2,247	2,512	30,633	2,553	89%	-309	
2013	2,823	2,240	3,363	2,704	2,504	1,920	2,173	2,602	2,040	1,787	1,582	2,083	27,821	2,318	91%	-234	
													2012	91%	91%		
													2011	81%	82%		
													2010	93%	93%		
																chg to '13 avg	
																	chg to '13 YTD

UI dispositions Jan to date are down 9% from 2012, down 18% from 2011, and down 7% from 2010

UI disposition monthly average is down 9% from 2012, down 19% from 2011, and down 7% from 2010

BALANCE OPEN CASES

	Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec	End of yr Total	Avg.	% Chg of Avg	Yr-Yr AvgChg	
2010	2,977	2,507	2,742	2,868	2,695	2,492	2,662	2,983	3,392	3,181	3,401	3,712	3,712	2,968			
2011	3,619	3,668	4,738	5,237	5,489	5,090	5,700	6,077	5,243	4,766	4,009	3,518	3,518	4,763	160%	1,795	
2012	3,398	2,671	2,785	2,703	2,784	2,910	2,744	2,578	2,363	2,727	2,722	2,199	2,199	2,715	57%	-2,048	
2013	1,933	2,279	1,809	2,336	2,432	2,491	2,329	1,684	1,923	2,373	2,360	1,827		2,148	79%	-567	
													2012	79%	79%		
													2011	45%	45%		
													2010	72%	72%		
																chg to '13 avg	
																	chg to '13 YTD

UI balance of open cases Jan to date is down 21% from 2012, down 55% from 2011, and down 28% from 2010

UI balance monthly average is down 21% from 2012, down 55% from 2011, and down 28% from 2010

DI TRENDS-AO
Program Codes 7, 10, 11, 12, 16 & 20

REGISTRATIONS

	Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Total	Avg.	% Chg of Avg	Yr-Yr AvgChg
2010	88	67	98	108	87	90	90	85	112	93	106	101	1,125	94		
2011	91	94	135	114	105	112	131	130	124	118	87	108	1,349	112	120%	19
2012	99	82	120	66	74	62	85	92	78	85	65	57	965	80	72%	-32
2013	52	121	55	118	84	46	37	61	74	88	55	43	834	70	86%	-11
													2012	86%	86%	
													2011	62%	64%	
													2010	74%	77%	

DI registrations Jan to date down 14% from 2012, down 36% from 2011, down 23% from 2010.

DI registration monthly average down 14% from 2012, down 36% from 2011, and down 23% from 2010.

chg to '13 avg chg to '13 YTD

DISPOSITIONS

	Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Total	Avg.	% Chg of Avg	Yr-Yr AvgChg
2010	92	108	94	78	83	132	67	106	81	87	99	68	1,095	91		
2011	100	128	93	91	95	132	86	100	133	162	118	111	1,349	112	123%	21
2012	113	116	140	88	73	55	79	95	79	87	77	71	1,073	89	80%	-23
2013	69	60	117	88	71	65	53	69	52	44	56	78	822	69	77%	-21
													2012	77%	77%	
													2011	61%	61%	
													2010	75%	75%	

DI dispositions Jan to date down 23% from 2012, down 39% from 2011, down 25% from 2010.

DI disposition monthly average down 23% from 2012, down 39% from 2011, and down 25% from 2010.

chg to '13 avg chg to '13 YTD

BALANCE OPEN CASES

	Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec	End of yr Total	Avg.	% Chg of Avg	Yr-Yr AvgChg
2010	139	98	103	132	136	94	120	99	130	137	144	176	176	126		
2011	167	133	175	198	208	188	234	265	254	210	180	177	177	199	158%	73
2012	163	130	109	87	89	97	102	97	97	95	82	68	68	101	51%	-98
2013	51	110	50	78	91	72	55	49	71	116	115	79		78	77%	-23
													2012	77%	77%	
													2011	39%	39%	
													2010	62%	62%	

Open Balance of DI Jan to date down 23% from 2012, down 61% from 2011, and down 38% from 2010.

Open Balance monthly average down 33% from 2012, down 61% from 2011, and down 38% from 2010.

chg to '13 avg chg to '13 YTD

TAX TRENDS-AO
 Program Codes 15, 17, 18, 32, 45, 46, 47, 48

REGISTRATIONS

	Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Total	Avg.	% Chg of Avg	Yr-Yr AvgChg
2010	5	15	15	4	6	12	16	7	16	9	25	15	145	12		
2011	25	18	21	33	32	2	23	23	6	43	25	41	292	24	201%	12
2012	22	20	39	23	34	21	2	13	11	9	44	6	244	20	84%	-4
2013	27	0	0	53	24	17	12	12	5	42	9	27	228	19	93%	-1
													2012	93%	93%	
													2011	78%	78%	
													2010	157%	157%	

Tax registrations Jan to date are down 17% from 2012, down 22% from 2011, and up 57% from 2010
 Tax registration monthly average down 17% from 2012, down 22% from 2011, and up 57% from 2010

DISPOSITIONS

	Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Total	Avg.	% Chg of Avg	Yr-Yr AvgChg
2010	1	14	20	14	9	19	9	3	11	8	14	5	127	11		
2011	15	34	21	12	34	30	16	31	19	33	19	17	281	23	221%	13
2012	15	23	21	24	17	13	35	34	43	16	2	18	261	22	93%	-2
2013	25	11	15	16	15	10	28	38	18	20	13	39	248	21	95%	-1
													2012	95%	95%	
													2011	88%	88%	
													2010	195%	195%	

Tax dispositions Jan to date are down 5% from 2012, down 12% from 2011 and up 95% from 2010
 Tax disposition monthly average down 5% from 2012, down 12% from 2011, and up 95% from 2010

BALANCE OPEN CASES

	Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Total	Avg.	% Chg of Avg	Yr-Yr AvgChg
2010	57	58	53	44	41	34	41	45	50	51	62	72	72	51		
2011	82	66	66	87	86	59	66	58	45	55	61	85	85	68	134%	17
2012	92	89	108	107	124	132	100	78	46	39	82	70	70	89	131%	21
2013	72	61	46	83	92	97	82	58	48	67	68	51		69	77%	-20
													2012	77%	77%	
													2011	101%	101%	
													2010	136%	136%	

Tax balance of open cases Jan to date is down 33% from 2012, up 6% from 2011, and up 36% from 2010
 Tax balance monthly average down 33% from 2012, up 1% from 2011, and up 36% from 2010

	End of yr Total	Avg.	% Chg of Avg	Yr-Yr AvgChg
2012	72	51		
2011	85	68	134%	17
2010	70	89	131%	21
2013		69	77%	-20

chg to '13 avg chg to '13 YTD

OTHER TRENDS-AO
 Program Codes 9,13, 14, 19, 21,22, 40, 44

REGISTRATIONS

	Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Total	Avg.	% Chg of Avg	Yr-Yr AvgChg
2010	3	5	98	11	7	14	8	3	16	9	11	5	190	16		
2011	1	4	7	17	16	7	9	10	14	16	6	7	114	10	60%	-6
2012	7	9	13	2	3	0	1	3	3	2	7	2	52	4	46%	-5
2013	2	4	6	9	13	5	11	4	4	14	7	4	83	7	160%	3
Other registrations Jan to date up 60% from 2012, down 27% from 2011, and down 66% from 2010 Other registration monthly average up 60% from 2012, down 27% from 2011, and down 66% from 2010													2011	160%	160%	
													2010	73%	73%	
													2009	44%	44%	

DISPOSITIONS

	Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Total	Avg.	% Chg of Avg	Yr-Yr AvgChg
2010	2	4	4	96	7	13	9	9	5	10	10	11	180	15		
2011	10	5	5	1	6	20	7	7	13	14	17	10	115	10	64%	-5
2012	9	7	9	9	9	1	1	0	5	3	1	7	61	5	53%	-5
2013	4	3	3	2	15	4	4	7	10	2	9	8	71	6	116%	1
Other dispositions Jan to date are up 16% from 2012, down 38% from 2011, and down 61% from 2010 Other disposition monthly average up 16% from 2012, down 38% from 2011, and down 61% from 2010													2011	116%	116%	
													2010	62%	62%	
													2009	39%	39%	

BALANCE OPEN CASES

	Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Total	Avg.	% Chg of Avg	Yr-Yr AvgChg
2010	4	5	99	14	14	15	14	8	19	18	19	13	13	20		
2011	4	3	5	21	31	19	20	23	24	26	15	12	12	17	84%	-3
2012	10	12	16	9	3	2	2	5	3	2	8	1	1	6	36%	-11
2013	0	2	2	5	2	11	18	13	7	19	19	13		9	152%	3

Other balance of open cases Jan to date up 52% from 2012, down 45% from 2011, and down 54% from 2010
 Other balance monthly average up 52% from 2012, down 45% from 2011, and down 54% from 2010

2011	152%	152%	
2010	55%	55%	
2009	46%	46%	

APPELLATE OPERATIONS - REPORT SUMMARY

APPELLATE	July	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Average	AO Current Mo. % of Avg.	TOTAL	Appellants Current Mo.
WORKLOAD																
Registrations																
UI TL	1,997	1,978	2,276	2,233	1,541	1,591							1,936	80%	11,616	
DI	37	61	74	88	55	43							60	92%	358	
Ruling & T-R	6	3	2	13	6	3							6	109%	33	
Tax	12	12	5	42	9	27							18	50%	107	
Other	5	1	2	1	1	1							2	55%	11	
Total	2,057	2,055	2,359	2,377	1,612	1,665							2,021	80%	12,125	973
Multi-Cases						1										
Dispositions																
UI TL	2,173	2,602	2,040	1,787	1,582	2,083							2,045	102%	12,267	
DI	53	69	52	44	56	78							59	133%	352	
Ruling & T-R	3	4	9	1	8	7							5	131%	32	
Tax	28	38	18	20	13	39							26	150%	156	
Other	1	3	1	1	1	1							1	75%	8	
Total	2,258	2,716	2,120	1,853	1,660	2,208							2,136	103%	12,815	1,325
Multi-Cases		113														
Balance - Open Cases																
UI TL	2,329	1,684	1,923	2,373	2,360	1,827							2,083	88%		
DI	55	49	71	116	115	79							81	98%		
Ruling & T-R	13	12	5	17	17	11							13	88%		
Tax	82	58	48	67	68	51							62	82%		
Other	5	1	2	2	2	2							2	86%		
Total	2,484	1,804	2,049	2,575	2,562	1,970							2,241	88%		1,125
Multi-Cases						47										Estimate
FO to AO Appeal Rate																
UI TL	7.7%	5.5%	6.8%	7.7%	5.6%	6.5%							6.6%	98%		
DI	4.3%	5.9%	6.7%	7.2%	4.2%	5.7%							5.7%	101%		
Ruling & T-R	2.5%	1.0%	0.7%	2.3%	1.0%	2.0%							1.6%	124%		
Tax	4.0%	5.6%	1.9%	11.9%	3.9%	17.9%							7.5%	237%		
Other	41.7%	4.3%	9.1%	5.9%	8.3%	10.0%							13.2%	76%		
Overall Rate	7.5%	5.5%	6.7%	7.6%	5.4%	6.5%							6.6%	100%		

APPELLATE OPERATIONS - REPORT SUMMARY

2013-2014														
APPELLATE	July	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Average	AO Current Mo. % of Avg.
TIME LAPSE														
45 Day-50 %	57	77	81	74	52	52							66	80%
75 Day- 80 %	90	95	96	97	93	92							94	98%
150 Day- 95 %	100	100	100	100	99	100							100	100%
CASE AGE														
Avg Days-UI (mean)	30.1	28.4	28.0	31.1	35.0	33.8							31.1	109%
Avg Days-UI (median)	26.0	24.0	24.0	27.0	31.0	28.0							26.7	105%
Over 120 days old														
UI Cases	11	12	14	13	10	10							12	86%
UI %	1%	1%	1%	1%	1%	1%							1%	87%
UI % w/out Multi	1%	1%	1%	1%	1%	1%							1%	87%
NET PYS USED														
ALL	17.31	19.28	18.15	16.64	13.92								17.1	82%
AO Non ALL	34.25	33.03	28.85	31.94	24.49								30.5	80%
CTU Non ALL	3.35	4.20	3.77	4.16	4.00								3.9	103%
Net Pys	54.91	56.51	50.77	52.74	42.41								51.5	82%
RATIOS														
AO w/o transcribers	1.98	1.71	1.59	1.92	1.76								1.79	98%
AO with transcribers	2.17	1.93	1.80	2.17	2.05								2.02	101%
TRANSCRIPTS														
	72	77	48	59	40	53							58	91%
PAGES														
	4,417	5,278	3,644	4,125	3,042	4,250							4,126	103%
AVG PGS Per T/S														
	61	69	76	70	76	80							72	111%
PRODUCTIVITY														
ALL Dep/wh	29.6	32.0	30.7	24.2	33.1								29.9	111%
Trans Pgs/day	59.93	57.12	50.87	43.11	42.25								50.7	83%

APPELLATE OPERATIONS - REPORT SUMMARY

APPELLATE	Jan	Feb	March	April	May	June	July	Aug	Sep	Oct	Nov	Dec	Average	AO Current Mo. % of Avg.	TOTAL	Appellants Current Mo.
WORKLOAD																
Registrations																
UI TL	2,708	2,596	2,942	3,223	2,614	2,014	1,997	1,978	2,276	2,233	1,541	1,591	2,309	69%	27,713	
DI	52	121	55	118	84	46	37	61	74	88	55	43	70	62%	834	
Ruling & T-R	2	1	3	5	12	5	6	3	2	13	6	3	5	59%	61	
Tax	27	0	0	53	24	17	12	12	5	42	9	27	19	142%	228	
Other	0	3	3	4	1	0	5	1	2	1	1	1	2	55%	22	
Total	2,789	2,721	3,003	3,403	2,735	2,082	2,057	2,055	2,359	2,377	1,612	1,665	2,405	69%	28,858	973
Multi Cases	4			26		13						1				
Dispositions																
UI TL	2,823	2,240	3,363	2,704	2,504	1,920	2,173	2,602	2,040	1,787	1,582	2,083	2,318	90%	27,821	
DI	69	60	117	89	71	65	53	69	52	44	56	78	69	114%	822	
Ruling & T-R	3	2	0	1	11	3	3	4	9	1	8	7	4	162%	52	
Tax	25	11	15	16	15	10	28	38	18	20	13	39	21	189%	248	
Other	1	1	3	1	4	1	1	3	1	1	1	1	2	63%	19	
Total	2,921	2,314	3,498	2,810	2,605	1,999	2,258	2,716	2,120	1,853	1,660	2,208	2,414	91%	28,962	1,325
Multi Cases	467					328		113								
Balance - Open Cases																
UI TL	1,933	2,279	1,809	2,336	2,432	2,491	2,329	1,684	1,923	2,373	2,360	1,827	2,148	85%		
DI	51	110	50	78	91	72	55	49	71	116	115	79	78	101%		
Ruling & T-R	1	0	3	7	8	10	13	12	5	17	17	11	9	127%		
Tax	72	61	46	83	92	97	82	58	48	67	68	51	69	74%		
Other	0	2	2	5	2	1	5	1	2	2	2	2	2	92%		
Total	2,057	2,452	1,910	2,509	2,625	2,671	2,484	1,804	2,049	2,575	2,562	1,970	2,306	85%		1,125
Multi Cases	67	4	3	28	20	13	13					47				
FO to AO Appeal Rate																
UI TL	8.4%	7.8%	8.8%	8.6%	8.9%	8.8%	7.7%	5.5%	6.8%	7.7%	5.6%	6.3%	7.5%	83%		
DI	5.0%	11.2%	6.1%	9.9%	11.4%	6.1%	4.3%	5.9%	6.7%	7.2%	4.2%	5.7%	7.0%	82%		
Ruling & T-R	1.4%	0.4%	1.3%	1.3%	4.4%	2.1%	2.5%	1.0%	0.7%	2.3%	1.0%	2.0%	1.7%	116%		
Tax	13.8%	0.0%	0.0%	11.2%	4.1%	4.5%	4.0%	5.6%	1.9%	11.9%	3.9%	17.9%	6.6%	272%		
Other	0.0%	18.8%	14.3%	12.5%	12.5%	0.0%	41.7%	4.3%	9.1%	5.9%	8.3%	10.0%	11.4%	87%		
Overall Rate	8.3%	7.9%	8.6%	8.6%	8.8%	6.7%	7.5%	5.5%	6.7%	7.6%	5.4%	6.5%	7.4%	88%		

Case Assignment to the Board for the month of: November 2013

Agenda Item 9

Board Member		1st	2nd	3rd	UI	DI	Ruling	Tax	1 Party	2 Party	Total
Michael Allen											
	Sum	303	604	8	835	58	4	18	382	533	915
	Percent	32%	63%	9%	46%	48%	50%	46%	47%	45%	
Robert Dresser											
	Sum	55	52	76	172	7	1	3	52	131	183
	Percent	6%	5%	89%	9%	6%	13%	8%	6%	11%	
Roy Ashburn											
	Sum	599	300	1	823	56	3	18	372	528	900
	Percent	63%	31%	1%	45%	46%	38%	46%	46%	44%	
Total Cases Reviewed:		957	956	85	1830	121	8	39	806	1192	

*Off Calendar

Monthly Board Meeting Litigation Report - December 2013

AGENDA ITEM 9

<u>LITIGATION CASES PENDING</u>	TOTAL = 362
SUPERIOR COURT: Claimant Petitions.....	291
Employer Petitions.....	39
EDD Petitions.....	3
Non-benefit Court Cases	6
APPELLATE COURT: Claimant Appeals.....	12
Employer Appeals.....	7
EDD Appeals.....	0
Non-benefit Court Cases	2
ISSUES: Ul.....	313
Di.....	25
Tax.....	14
Non-benefit Court Cases	10

2013 CALENDAR YEAR ACTIVITY - Benefit & Tax Cases

<u>LITIGATION CASES FILED</u>	<u>YTD</u>	<u>December</u>
SUPERIOR COURT: Claimant Petitions.....	84	3
Employer Petitions.....	16	3
EDD Petitions.....	0	0
APPELLATE COURT: Claimant Appeals.....	5	0
Employer Appeals.....	2	0
EDD Appeals.....	0	0
 <u>LITIGATION CASES CLOSED</u>	 <u>YTD</u>	 <u>December</u>
SUPERIOR COURT: Claimant Petitions.....	54	2
Employer Petitions.....	6	0
EDD Petitions.....	0	0
APPELLATE COURT: Claimant Appeals.....	4	1
Employer Appeals.....	0	0
EDD Appeals.....	0	0

2013 Decision Summary

<u>Claimant Appeals</u>		<u>Employer Appeals</u>		<u>CUIAB Decisions</u>		
Win: 13	Loss: 45	Win: 1	Loss: 5	Affirmed: 50	Reversed: 8	Remanded: 6

December 2013 PERFORMANCE INDICATORS

FIELD OPERATIONS

MEETING DOL STANDARDS UI TIMELAPSE CASES

	<u>Closed</u>	<u>DOL Standard</u>
Closed Cases		
% Closed in <= 30 Days	78.4%	≥60%
% Closed in <= 45 Days	94.9%	≥80%

	<u>Avg. Days</u>	<u>DOL Standard</u>
Pending Cases		
Case Aging	24.1	≤30

	<u>UI</u>	<u>ALL</u>
WORKLOAD		
Opened	25,020	26,488
Closed	22,868	24,098
Balance of Open Cases	23,364	31,701

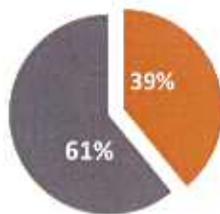
CYCLE TIME: AVERAGE DAYS TO CLOSE APPEALS

UI Timelapse Appeals	31 days
DI Appeals (including PFL)	58 days
All Programs	44 days

UI WORKLOAD COMPOSITION AT INTAKE (OPENED)

Regular UI Appeals as % of All UI	76%
UI Extensions as % of All UI	24%

UI WORKLOAD COMPOSITION AT END OF MONTH OPEN BALANCE:



UI Extensions made up 39% of UI Open Balance, and Regular UI cases made up 61%.

FED-ED UI Extensions made up 0.5% of the FO open balance. These are the extensions that ended in late May 2012. In 2011, they were 3% of the workload.

APPELLATE OPERATIONS

MEETING DOL GUIDELINES & STANDARDS UI TIMELAPSE CASES

	<u>Closed</u>	<u>DOL Guideline</u>
Closed Cases		
% Closed in <= 45 Days	52.5%	≥50%
% Closed in <= 75 Days	92.2%	≥80%

	<u>Avg. Days</u>	<u>DOL Standard</u>
Pending Cases		
Case Aging	33.8	≤40

	<u>UI</u>	<u>ALL</u>
WORKLOAD		
Opened	1,591	1,665
Closed	2,083	2,208
Balance of Open Cases	1,827	1,970

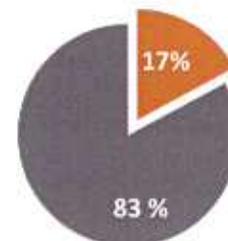
CYCLE TIME: AVERAGE DAYS TO CLOSE APPEALS

UI Timelapse Appeals	50 days
DI Appeals (including PFL)	59 days
All Programs	50 days

UI WORKLOAD COMPOSITION AT INTAKE (OPENED)

Regular UI Appeals as % of All UI	79%
UI Extensions as % of All UI	21%

UI WORKLOAD COMPOSITION AT END OF MONTH OPEN BALANCE:



UI Extensions made up 17% of UI Open Balance, and Regular UI cases made up 83%.

FED-ED UI Extensions made up 0.2% of the AO open balance.

California Unemployment Insurance Appeals Board
FO Cycle Time Summary Report
For Cases Closed in December 2013

PFL CASES	Average Days to Process an Appeal	Case Creation Date to Verified Date	Verified Date to Scheduled Date	Scheduled Date to Hearing Date	Hearing Date to Decision Mailed Date
	Average	Average	Average	Average	Average
Fresno	53	11	31	15	0
Inglewood	27	10			
Inland	42	5	30	13	0
Los Angeles	51	6	16	13	3
Oakland	62	9	20	14	4
Orange County	43	5	6	14	3
Oxnard	47	5	28	16	0
Pasadena	45	5	16	15	4
Sacramento	38	8	11	14	5
San Diego	62	5	30	14	5
San Francisco	62	10	25	13	9
San Jose	45	6	22	13	0
Statewide	48	6	18	14	3

DI CASES (no PFL)	Average Days to Process an Appeal	Case Creation Date to Verified Date	Verified Date to Scheduled Date	Scheduled Date to Hearing Date	Hearing Date to Decision Mailed Date
	Average	Average	Average	Average	Average
Fresno	72	11	37	15	2
Inglewood	64	12	13	19	6
Inland	59	4	26	13	3
Los Angeles	62	11	22	16	5
Oakland	60	9	18	16	8
Orange County	59	11	12	14	8
Oxnard	53	8	19	15	1
Pasadena	63	11	17	16	5
Sacramento	51	9	6	14	5
San Diego	54	7	23	14	6
San Francisco	69	6	23	11	6
San Jose	53	6	17	13	2
Statewide	59	8	19	14	5

**California Unemployment Insurance Appeals Board
FO Cycle Time Summary Report
For Cases Closed in December 2013**

UI CASES (timelapse)	Average Days to Process an Appeal	Case Creation Date to Verified Date	Verified Date to Scheduled Date	Scheduled Date to Hearing Date	Hearing Date to Decision Mailed Date
Jurisdiction	Average	Average	Average	Average	Average
Fresno	28	4	6	13	0
Inglewood	34	6	5	14	2
Inland	29	4	3	14	1
Los Angeles	34	4	7	14	2
Oakland	30	5	5	12	1
Orange County	29	3	3	14	2
Oxnard	28	5	3	13	0
Pasadena	32	4	4	14	2
Sacramento	35	5	7	15	2
San Diego	31	4	6	13	2
San Francisco	31	4	7	12	1
San Jose	32	3	8	13	1
Statewide	31	4	5	14	2

ALL CASES	Average Days to Process an Appeal	Case Creation Date to Verified Date	Verified Date to Scheduled Date	Scheduled Date to Hearing Date	Hearing Date to Decision Mailed Date
Jurisdiction	Average	Average	Average	Average	Average
Fresno	39	5	17	13	0
Inglewood	55	7	26	16	3
Inland	41	4	10	15	1
Los Angeles	44	4	13	14	3
Oakland	40	5	12	13	2
Orange County	36	4	7	14	3
Oxnard	35	5	8	13	0
Pasadena	40	4	9	15	3
Sacramento	38	5	8	15	3
San Diego	42	4	15	13	2
San Francisco	43	5	16	12	2
San Jose	36	3	10	13	1
Tax**	431	N/A	N/A	81	81
Statewide	44	5	12	14	3

**Tax is now being included in Cycle Time Reporting

CUIAB 13/14 Fiscal Year Overtime/Lump Sum Payout - SCO Report
July 2013 through November 2013

Branch	13/14 Fiscal Year-to-Date Overtime Expenditure				FY 13/14 Other	
	FY Y-T-D Decision Typing Hours	Pay	FY Y-T-D CTU Typing Hours	Pay	Hours	Pay
Appellate	0.00	\$0.00	0.00	\$0.00	108.25	\$3,424.55
Admin	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00
IT	0.00	\$0.00	0.00	\$0.00	748.25	\$33,534.27
Exec	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00
Project	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00
Field	0.00	\$0.00	0.00	\$0.00	929.75	\$27,842.09
Total	0.00	\$0.00	0.00	\$0.00	1,786.25	\$64,800.91

Branch	13/14 Fiscal Year-to-Date Total Overtime Expenditures				FY 13/14 FY Projections	
	13/14 FY Allocation	Year-to-Date Hours	Position Equivalent	Year-to-Date Pay	Allocation Balance	Estimated Expenditures Over-/Under
Appellate	\$90,097.00	108.25	0.05	\$3,424.55	\$86,672.45	\$81,878.08
Admin	\$5,590.00	0.00	0.00	\$0.00	\$5,590.00	\$5,590.00
IT	\$97,891.00	748.25	0.36	\$33,534.27	\$64,356.73	\$17,408.75
Exec	\$0.00	0.00	0.00	\$0.00	\$0.00	\$0.00
Project	\$1,897.00	4.50	0.00	\$214.52	\$1,682.48	\$1,382.15
Field Operations	\$213,698.00	1,267.00	0.61	\$33,013.32	\$180,684.68	\$134,466.03
Total	409,173.00	2,128.00	2.46	\$70,186.66	\$338,986.34	\$240,725.02

Actual Monthly Average Personnel Year 1.02

13/14 Fiscal Year-to-Date Lump Sum Payout July 2013 through November 2013						
Branch	Year-to-Date Hours	Year-to-Date Position Equivalent	Year-to-Date Pay	13/14 Allocation	Estimated Over/Under	
Appellate	8.00	0.00	\$856.41	\$144,987.00	\$142,931.62	
Admin	658.00	0.32	\$20,592.40	\$5,000.00	-\$15,592.40	
IT	256.00	0.12	\$10,579.45	\$5,000.00	-\$20,390.68	
Exec	48.50	0.02	\$926.46	\$93,867.00	\$91,643.50	
Project	0.00	0.00	\$0.00	\$5,000.00	\$5,000.00	
Field Operations	1,521.60	0.73	\$43,607.23	\$465,441.00	\$360,783.65	
Total	2,492.10	1.20	\$76,561.95	\$719,295.00	\$564,375.68	



CALIFORNIA UNEMPLOYMENT INSURANCE APPEALS BOARD
P O Box 944275
SACRAMENTO CA 94244-2750

ARVIE J MORITZ
Claimant-Appellant

DHL EXPRESS
c/o UC EXPRESS
Account No.:
Employer

Case No.: **AO-314175**

OA Decision No.: 4559049

EDD: 0250 BYB: 11/13/2013

DECISION

Attached is the Appeals Board decision in the above-captioned case issued by Board Panel members:

ROY ASHBURN

MICHAEL ALLEN

ROBERT DRESSER

This is the final decision by the Appeals Board. The Appeals Board has no authority to reconsider this decision. If you disagree with the decision, please refer to the information attachment which outlines your rights.

Date Mailed:

DEC 23 2013

Case Nos.: AO-314175, AO-314177, AO-314178, AO-314179
Claimant: ARVIE J MORITZ

OP

The claimant appealed from the portions of the decisions of the administrative law judge that held:

1. the claimant was disqualified for benefits under section 1256 of the Unemployment Insurance Code¹;
2. the claimant was overpaid benefits and liable for repayment of an overpayment in the amount of \$11,700 under code section 1375;
3. the claimant was overpaid benefits and liable for repayment of an overpayment in the amount of \$5,850 under code section 1375; and,
4. the claimant was overpaid benefits and liable for repayment of an overpayment in the amount of \$9,000 under code section 1375.

The administrative law judge inadvertently failed to mention in the decision that one of the issues in the matter was a department ruling that held the employer's reserve account was not subject to charges; and failed to address the issue of whether the employer's reserve account should be subject to charges.

Pursuant to California Code of Regulations, title 22, section 5100(b), these partial appeals are consolidated for consideration and decision.

ISSUE STATEMENT

The issues to be decided in these cases are:

1. Does the Employment Development Department (hereinafter referred to as the department) have the authority to issue the employer a determination and ruling under sections 1030 and 1327 where:
 - a. the department's disqualification of the claimant under section 1256 is based on information provided by the claimant's employer beyond the time limits provided by sections 1030 and 1327;

¹ All section references are to the Unemployment Insurance Code unless otherwise noted.

- b. there is no evidence that the department made a finding of good cause to extend the time for the employer to respond to the notice that the claimant filed a claim for benefits (sections 1030 and 1327); and,
 - c. there is no evidence that the claimant engaged in fraud, misrepresentation, or willful nondisclosure when she filed her claim for unemployment benefits (sections 1257(a) and 1332.5)?
2. Does the department have the authority to reconsider a claimant's eligibility for benefits under section 1256 where:
- a. the department's disqualification of the claimant is based on information provided by the claimant's employer beyond the time limits provided by sections 1030 and 1327;
 - b. there is no evidence that the department made a finding of good cause to extend the time for the employer to respond to the notice that the claimant filed a claim for benefits (sections 1030 and 1327); and,
 - c. there is no evidence that the claimant engaged in fraud, misrepresentation, or willful nondisclosure when she filed her claim for unemployment benefits (sections 1257(a) and 1332.5)?
3. Is the claimant liable for an overpayment for those benefits paid to the claimant prior to the employer's untimely response to the notice issued to the employer pursuant to sections 1030 and 1327, when there has been no showing that the department had the authority to reconsider the claimant's eligibility for unemployment insurance benefits?

FINDINGS OF FACT

We set forth only those facts necessary for resolution of this matter.

The claimant filed a claim for unemployment insurance benefits on May 2, 2011, by completing the on-line application for benefits, known as "E-Apply for UI" on the department's website. The claimant selected "Laid Off" as the reason she was no longer working for her most recent employer, DHL Express. On May 5, 2011, the department mailed the claimant a Notice of Unemployment Insurance Award (DE429Z), advising the claimant that she established a claim for unemployment insurance benefits with a weekly benefit amount of \$450.

The claimant's employer, DHL Express, was both the claimant's last employer and a base period employer. The department sent this employer two notices advising the employer that the claimant filed a claim for benefits – a Notice of Unemployment Claim Filed (DE1101CZ)² and a Notice of Wages Used for Unemployment Insurance (UI) Claim (DE1545).³ Both of these notices provided the employer with an opportunity to explain the reason the claimant separated from her employment. Both of these notices set forth time limitations within which the employer was to respond.

The department mailed the employer the Notice of UI Claim Filed on May 5, 2011. This notice advised the employer that “the law requires an employer to submit any facts in his/her possession which may affect a claimant's eligibility for benefits,” and to respond as completely as possible because the facts in the response will be used in determining the claimant's eligibility for benefits. The Notice of UI Claim Filed further advised the employer that the time limit for replying is ten days from the mail date on the notice, and that if the employer is mailing his/her response late, the employer must explain the reasons for the delay as the time limit may be extended only for good cause.

The same notice also referenced to code section 1327 and informed the employer that the ten-day response period may be extended for good cause or, if the employer acquires knowledge of facts that may affect the claimant's eligibility after the ten-day period has expired and those facts could not reasonably have been known within the ten-day response period, the employer may provide those facts within ten days of acquiring them. This second ten-day period may also be extended for good cause. The employer had until May 16, 2011, to timely respond to the Notice of UI Claim Filed. According to the record, the employer did not respond to this notice.

Similarly, the Notice of Wages Used for UI Claim, mailed to the employer on May 25, 2011, advised the employer that the claimant had received unemployment insurance benefits and that if the employer wanted a ruling, the employer would need to supply the department with information regarding the separation. The employer had fifteen days from the date the notice was sent to timely respond to this notice. If the employer did not respond within fifteen days, the time limit could have been extended, provided the employer had shown good cause for the untimely response. The employer had until June 9, 2011, to timely respond to the Notice of Wages Used for UI Claim. According to the record, the employer did not respond.

² Hereinafter referred to as the Notice of UI Claim Filed.

³ Hereinafter referred to as the Notice of Wages Used for UI Claim.

On May 23, 2011, the department mailed the claimant her first benefit check in the amount of \$450 for the week ending May 14, 2011. (The week ending May 7, 2011 was the claimant's waiting period week.) After exhausting all regular unemployment insurance benefits, the claimant received federal extended benefits (including EUC and EUX) beginning on or about November 6, 2011. The claimant received regular unemployment benefits and extended unemployment benefits from May 8, 2011 through June 23, 2012, in the total amount of \$26,550.

In a department claim note dated July 2, 2012, fourteen months after the claimant filed her initial claim for unemployment insurance benefits and shortly before she would be paid benefits under another extended benefit program (EUY), the department recorded that DHL Express, her last and base period employer, through its agent TALX, informed the department that the claimant quit to retire. The record does not reflect why the employer waited fourteen months after receiving the first notices to respond with the requested information. The record does not show that any Notice of UI Claim Filed or Notice of Wages Used for UI Claim was sent to the employer, other than those issued in 2011.

If the employer was responding to either the Notice of UI Claim Filed or the Notice of Wages Used for UI Claim sent to the employer in 2011, the record does not reflect that the employer gave any reason to justify its almost fourteen-month delay.

On July 13, 2012, within two weeks of the department receiving the information from the employer's representative that the claimant quit to retire, the department conducted a telephone interview with the employer. According to the department's Record of Claim Status Interview, the employer's agent informed the department interviewer that the claimant sent the employer an email on March 21, 2011, wherein the claimant advised the employer that she was retiring and that her last day on the job would be April 22, 2011.

The department interviewer did not obtain any information from the employer regarding the employer's receipt of the Notice of UI Claim Filed and the Notice of Wages Used for UI Claim, sent to the employer shortly after the claim was filed in 2011, or why the employer did not timely respond to these notices, and waited fourteen months to provide this information.

Based on the information the department obtained during the July 13, 2012 interview, the department reconsidered the claimant's eligibility for benefits. The department issued a notice of determination and ruling on July 25, 2012, wherein the department found the claimant disqualified for benefits under code section 1256; relieved the employer's reserve account of benefit charges; and

disqualified the claimant under section 1257(a) because the department found she made a false statement or willfully withheld material information when claiming benefits. The department also issued three separate notices of overpayment on July 31, 2012, seeking reimbursement for fourteen months of benefits paid to the claimant on her regular unemployment claim as well as her two extended benefit claims. It is these department notices from which the claimant appealed.

The claimant and the employer were notified of the hearing on these issues before the administrative law judge. Only the claimant appeared at the hearing.

In related Case No. AO-314176 (FO Case No. 4559050), the claimant appealed from the decision of the administrative law judge that found the claimant did not make a willful false statement when she filed her claim. In that matter, the administrative law judge found that while the claimant was at fault for not providing the correct reason for her separation from her work, the claimant did not commit fraud, engage in misrepresentation, or willfully fail to disclose material information when she filed her claim for benefits, and was not disqualified for benefits under code section 1257(a). Neither the employer nor the department appealed this decision of the administrative law judge. Because the decision of the administrative law judge was favorable to the claimant, there was no disputed issue for the claimant to appeal. We dismissed the claimant's appeal in Case No. AO-314176 finding the claimant received a favorable decision from the administrative law judge and there is no further relief to be provided by the Appeals Board. The decision of the administrative law judge that held the claimant not disqualified for benefits under code section 1257(a) stands as issued.

REASONS FOR DECISION

A. THE EFFECT OF THE ADMINISTRATIVE LAW JUDGE DECISION FINDING NO FRAUD, MISREPRESENTATION OR WILLFUL NONDISCLOSURE, ON THE DEPARTMENT'S ABILITY TO RECONSIDER THE DETERMINATION AND RULING.

Any provision of the code which prescribes time limits within which the department may reconsider any determination, ruling or computation, or any provision that otherwise restricts or prevents such reconsideration, does not apply in any case of fraud, misrepresentation or willful nondisclosure. (Unemployment Insurance Code, section 1332.5.)

As discussed in the sections that follow, there are statutory provisions that prescribe time limits within which the department may reconsider a determination

and a ruling. Such time limits would not apply, however, in those cases where either the claimant or the employer has been found to have engaged in fraud, misrepresentation, or willful nondisclosure.

The decision of the administrative law judge found the claimant did not engage in fraud, misrepresentation, or willful nondisclosure when claiming benefits.⁴ Since neither the employer nor the department appealed from that decision, the administrative law judge's finding stands as issued.

Having found that the claimant did not engage in fraud, misrepresentation or willful nondisclosure, and is not disqualified for benefits under section 1257(a), the department was bound by the statutory time limits within which the department may reconsider the claimant's eligibility for benefits under section 1256 and the charges to the employer's reserve account under sections 1030 and 1032.

B. THE DEPARTMENT'S AUTHORITY TO ISSUE THE EMPLOYER A NOTICE OF DETERMINATION/RULING.

An individual is disqualified for benefits if the individual left the most recent work voluntarily without good cause or the individual was discharged for misconduct connected with the most recent work. (Unemployment Insurance Code, section 1256.)

An employer's reserve account may be relieved of benefit charges if the claimant left employment voluntarily without good cause or was discharged for misconduct. (Unemployment Insurance Code, sections 1030 and 1032.)

Section 1327 of the Unemployment Insurance Code requires the department to give notice of the filing of a new or additional claim to the employer by whom the claimant was last employed immediately preceding the filing of the claim unless:

- (1) the additional claim is the result of the filing of a partial claim;
- (2) no subsequent employer has been designated as the last employer;
- and,
- (3) there is no separation issue.

The claimant's most recent employer must submit, within ten days after the mailing of notice of a new or additional claim, any facts then known which may affect the claimant's eligibility for benefits, including the circumstances of the

⁴ See related AO Case No. 314176.

claimant's separation from employment. The ten-day period may be extended for good cause. (Unemployment Insurance Code, sections 1030(a) and 1327.)

The department is required to promptly notify each of the claimant's base period employers of its computation of the claimant's benefits after the payment of the first weekly benefit. (Unemployment Insurance Code, section 1329.)

A base period employer must submit within 15 days of a notice of computation any facts then known, and not previously required to be submitted as a most recent employer, regarding the claimant's loss of employment. The 15-day period may be extended for good cause. (Unemployment Insurance Code, sections 1030(b) and 1331.)

If after the time periods prescribed in sections 1327 and 1331, the employer acquires knowledge of facts that may affect the eligibility of the claimant and those facts could not reasonably have been known within those periods of time, the employer shall, within ten days of acquiring the knowledge, submit the facts to the department. That ten-day period may also be extended for good cause. (Unemployment Insurance Code sections 1327 and 1331.)

An employer is entitled to a ruling only if it timely responds to the notice of claim with information regarding the termination of the claimant's employment. The employer is entitled to a determination if it timely submits any information relevant to the claimant's eligibility for benefits. (Precedent Decision P-B-432.)

Where an employer, without good cause, fails to timely respond to the first notice of claim filed, the employer is not entitled to a ruling or a determination. (Precedent Ruling P-R-363; Precedent Decision P-B-499.)

An employer who, without good cause, fails to respond properly to the first notice of claim it was mailed is not entitled to a ruling or determination notwithstanding a timely response to later notices. (Precedent Decisions P-R-363, P-R-371, P-R-372 and P-B-499.)

In this matter, the employer was both the last employer and a base period employer. Consequently, the department was required to send, and did send, the employer two notices shortly after the claimant opened her claim for unemployment insurance benefits. The first notice sent to the employer was the Notice of UI Claim Filed on May 5, 2011. A subsequent notice, the Notice of Wages Used for UI Claim, was sent to the employer on May 25, 2011.

Pursuant to sections 1030(a) and 1327, the employer was to respond to the Notice of UI Claim Filed within ten days, or by May 15, 2011; and was to respond

to the Notice of Wages Used for UI Claim within the statutorily required 15-day days, or June 11, 2011. There is no evidence that the employer availed itself of these two opportunities in May and June of 2011 to timely provide the department with information pertaining to the claimant's separation. As a result, the department found the claimant eligible for unemployment insurance benefits, and charged the employer's reserve account accordingly.

Even though these notices provided the employer with two opportunities to timely provide the department with information regarding the claimant's separation – information which would impact both the department's determination of the claimant's eligibility and the department's ruling on the charging of the employer's reserve account – the employer did not provide the department with information regarding the claimant's separation until June or July of 2012, approximately fourteen months after benefits had commenced. While code section 1327 provides the employer with additional time to respond to the notices the department sent in 2011, the requirements are specific – the employer must show good cause for the untimely response or that the information provided was "newly acquired."

The information the employer reported to the department in 2012 was contained in an email the claimant sent her employer one month prior to her separation in 2011. There is no evidence in the record establishing that the employer provided the department with any reason for this late response to the notices, and thus no showing the employer had "good cause" for the employer's late response. Nor is there any evidence that this email the claimant sent to the employer in 2011 was "newly acquired" information.

Moreover, there is no evidence that the department made a finding that the employer timely responded, that the employer had good cause for its untimely response, or that the employer provided newly acquired information. Consequently, the elements necessary to allow additional time for the employer to respond to the Notice of UI Claim Filed under code section 1327 have not been shown, and there is no basis for the department to extend the time for the employer to respond under code section 1327, and therefore no statutory support for the department's redetermination of the claimant's eligibility under section 1256 and the issuance of the determination and ruling in 2012.

Even assuming the department accepted the late filed information based on its belief that the claimant engaged in fraud, misrepresentation, or willful nondisclosure, once the administrative law judge decided otherwise, the untimely submitted information could only be relied upon if the employer had established good cause for its untimely response to the Notice of UI Claim Filed, or its receipt of newly acquired evidence. Thus, in the absence of any evidence that the

employer had good cause for its untimely response to the Notice of UI Claim Filed, the department does not have the authority to issue an unfavorable determination as to the claimant's eligibility and a favorable ruling that the employer's reserve account was not subject to charges, and the notice of determination and ruling must be set aside.

Accordingly, in Case No. AO-314175, we set aside the portion of the decision of the administrative law judge finding the claimant disqualified for benefits under code section 1256. The department's notice of determination and ruling is set aside.

In an appeal from a decision of an administrative law judge, the Board shall consider only those issues in a department action which were appealed, petitioned, or noticed by the Office of Appeals, related issues properly considered by the administrative law judge, related procedural issues, or appellate procedural issues. (California Code of Regulations, title 22, section 5101.) The Board may refer to the Employment Development Department or remand to an administrative law judge for appropriate action any issues raised for the first time in the appeal. The Board shall not consider any substantive issues which have not been appealed. (California Code of Regulations, title 22, section 5101.)

We set aside the decision of the administrative law judge and the underlying notice of determination and ruling because, as found above, once it was found that there was no fraud, misrepresentation or willful omission of material information by the claimant, there was no evidence in the record to support the conclusion that the department had authority to issue the notice of determination and ruling to the employer in this case. However, while the issues of fraud, misrepresentation and willful omission were fully litigated in Case No. AO 314176, the record does not reflect that the department specifically considered or addressed the issues of whether the employer timely responded to the Notice of Claim Filed, the employer had good cause for any delay in responding to such notice or the employer's correspondence to the department in June or July 2012 was newly acquired evidence. The notice of hearing did not list these issues for consideration at the hearing and the issues were not fully litigated by the parties. Rather, these issues have been considered by the Appeals Board for the first time. As such, we find it necessary to refer these issues to the department for its consideration.

The following issues are referred to the department for its consideration and issuance of any appealable notice(s) to the employer the department may deem appropriate: 1) whether the employer timely responded to the Notice of Unemployment Claim Filed pursuant to code sections 1030 and 1327; and 2) if the employer did not timely respond, a) whether the employer had good cause

for its untimely response; b) the reasons that support a finding of good cause for the employer's untimely response; and c) whether the employer's untimely response was based upon newly acquired information.

C. THE AUTHORITY OF THE DEPARTMENT TO RECONSIDER THE CLAIMANT'S ELIGIBILITY FOR BENEFITS.

An individual is disqualified for benefits if the individual left the most recent work voluntarily without good cause or the individual was discharged for misconduct connected with the most recent work. (Unemployment Insurance Code, section 1256.)

An individual is presumed not to have voluntarily left his or her work without good cause unless his or her employer has given written notice to the contrary to the department as provided in section 1327 of the code, setting forth facts sufficient to overcome the presumption. This presumption is rebuttable. (Unemployment Insurance Code, section 1256.)

If an employer fails to submit a timely protest under section 1327 of the code, or the protest fails to set forth sufficient facts, the burden is on the employer or the Employment Development Department to prove that the claimant is disqualified for benefits under section 1256 of the code. (*Rabago v. Unemployment Insurance Appeals Board* (1978) 84 Cal.App.3d 200; *O'Connell v. Unemployment Insurance Appeals Board* (1983) 149 Cal.App.3d 54.)

Section 1332(b) of the Unemployment Insurance Code provides in part:

"(b) The department may for good cause reconsider any determination within 15 days after an appeal to an administrative law judge is filed. If no appeal is filed, the department may for good cause reconsider any determination within 20 days after mailing or personal service of the notice of determination. The department may, if a claimant has not filed an appeal to an administrative law judge from any determination which finds that a claimant is ineligible or disqualified, or if an appeal has been filed but is either withdrawn or dismissed, for good cause also reconsider the determination during the benefit year or extended duration period or extended benefit period to which the determination relates. The department shall give notice of any reconsidered determination to the claimant and any employer or employing unit which received notice under sections 1328 and 1331 and the claimant or employer may appeal therefrom in the manner prescribed in section 1328"

The time limitations set forth in section 1332(b) of the code apply to a "silent" or "unwritten" determination by the department of a claimant's eligibility for benefits under code section 1256. (Precedent Decision P-B-499.)

The department initially found the claimant separated from her work under qualifying reasons under code section 1256. The department did not send a written notice of determination to the claimant finding the claimant eligible for benefits. Rather, the department notified the claimant of its finding that she was eligible for unemployment benefits by virtue of the first benefit payment to the claimant on May 23, 2011. Thus, the department's payment of benefits to the claimant is considered a "silent" determination finding the claimant eligible for unemployment benefits.

Having initially determined the claimant eligible for benefits, the department is bound by the time limitations as set forth in code sections 1332(b) within which the department may reconsider its initial finding that the claimant is eligible for benefits. Section 1332(b) allows the department, for good cause, to reconsider any determination within twenty days after mailing or personal service of the notice of determination in cases where no appeal was filed. As the claimant's first benefit check was mailed on May 23, 2011, the department had until June 12, 2011 to reconsider the claimant's eligibility for benefits. Since the department did not reconsider the claimant's eligibility until fourteen months after the silent determination, the department was clearly beyond this twenty-day period.

The department may reconsider a favorable determination beyond the twenty-day period under limited circumstances.

The department may reconsider a favorable determination beyond that twenty-day period in those cases where there has been a change in the law affecting a claimant's continuing eligibility for unemployment benefits. (See Precedent Decision P-B-499.) In this matter, there has been no change in the law affecting this claimant's continuing eligibility for unemployment insurance benefits related to the issues under appeal.

The department may also reconsider a favorable determination beyond that twenty-day period in those cases involving fraud, misrepresentation or willful nondisclosure under section 1332.5. As discussed in section A above, the administrative law judge found the claimant did not engage in fraud, misrepresentation or willful nondisclosure when she filed her claim for unemployment benefits. Thus, the department did not have the authority under section 1332.5 to reconsider the favorable determination beyond the twenty-day time limitation set forth in section 1332(b).

The department is, therefore, limited to reconsidering the claimant's eligibility within twenty days from the mailing of the department determination. The record does not show the employer timely responded to the department notices, which timely response would have given the department the opportunity to reconsider the claimant's eligibility for benefits. It is important to note that had the employer timely responded to the Notice of Unemployment Claim Filed mailed to the employer on May 5, 2011, the department would have had sufficient time to evaluate the claimant's eligibility not only before the first benefit payment was issued, but also within twenty days of the issuance of the silent determination.⁵ Additionally, if the employer responded untimely with good cause, prior to the expiration of the twenty-day period after the silent determination was issued, the department may have had the ability to reconsider the silent determination.⁶

Accordingly, in Case No. AO-314175, the portion of the decision of the administrative law judge finding the claimant disqualified for benefits under section 1256 is set aside, and the department's notice of determination/ruling issued on July 25, 2012 is set aside. The "silent" determination issued on May 23, 2011 finding the claimant eligible for benefits under code section 1256 stands as issued.

D. THE NOTICES OF OVERPAYMENT

Any person who is overpaid unemployment insurance benefits is liable for repayment unless the overpayment was not due to fraud, misrepresentation or wilful nondisclosure, was received without fault, and its recovery would be against equity and good conscience. (Unemployment Insurance Code, section 1375(a).)

The notices of overpayment resulted from the department's notice of determination that found the claimant disqualified for benefits under 1256. Since we set aside the portion of the decision of the administrative law judge that found the claimant disqualified for benefits under code section 1256, and hold that the silent determination that found the claimant eligible for benefits under section 1256 stands as issued, the claimant remains eligible for the benefits that are the subject of the overpayments. Thus, the appealed portion of the decisions of the

⁵ The employer had ten days, or until May 16, 2011 to respond. The information the employer provided to the department in June or July 2012 was available to the employer on May 5, 2011. Had the employer timely responded within ten days as required, the department would have had the ability to consider the employer's information not only before the department issued the first benefit check on May 23, 2011, but also within the twenty-day period within which the department may reconsider the silent determination.

⁶ The twenty day period within which the department could reconsider the silent determination expired on June 13, 2011. The employer would have had at least an additional two weeks to provide this information to the department, along with a showing that the employer had good cause for its untimely response.

administrative law judge in Case Nos. AO-314177, AO-314178, and AO-314179 finding the claimant liable for the overpayment pursuant to code section 1375 are reversed, and the notices of overpayment are cancelled.

DECISION

In Case No. AO-314175, the portion of the decision of the administrative law judge pertaining to the determination finding the claimant disqualified for benefits under code section 1256 is set aside, and the portion of the decision of the administrative law judge pertaining to the employer's reserve account being relieved of benefit charges is set aside. The department's notice of determination/ruling issued on July 25, 2012 is set aside. The department's original "silent" determination issued on May 23, 2011 finding the claimant eligible for benefits under section 1256 remains in effect. The issue of whether the employer timely responded to the Notice of Unemployment Claim Filed, whether the employer had good cause for its untimely response, or whether the evidence the employer provided to the department was newly acquired, is referred to the department for further consideration and issuance of any notices to the employer it deems appropriate.

In Case Nos. AO-314177, AO-314178, and AO-314179, the appealed portions of the decisions of the administrative law judge are reversed, and the notices of overpayment are cancelled.

FURTHER APPEAL INFORMATION
FOR THOSE PORTIONS OF DECISION ON THE MERITS

Section 410 of the California Unemployment Insurance Code provides:

"A decision of the appeals board is final, except for such action as may be taken by a judicial tribunal as permitted or required by law."

The Attorney General has ruled that under this section of the code, the Appeals Board cannot ***review, rehear, reconsider, or set aside*** its decision. (37 Ops.Cal.Atty.Gen. 133.) Therefore, the Board may not act upon a request to reopen the appeal and reconsider the portion of the enclosed decision that was decided on the merits.

Decisions of this Board are reviewable in Superior Court by way of ***a Petition for Writ of Mandate*** pursuant to section 1094.5 of the Code of Civil Procedure. **Any action to obtain a court review of the decision must be initiated by you. The Appeals Board does not process petitions for court review. Such petitions must be filed with the court not later than six (6) months after the date of the decision of the Appeals Board.**

Claimants who are recipients of adverse decisions and who intend to seek a writ of mandate are reminded that it is extremely important to continue to file your weekly claim for benefits at the appropriate Employment Development Department office for each week that you contend you are eligible. If you eventually prevail in a court action, the Department can pay you only for those weeks for which you have filed a regular weekly claim and met the other tests of eligibility.

FURTHER INFORMATION ON THOSE PORTIONS OF DECISION REFERRING ISSUES TO EDD

The Board's decision refers certain portions of the case to the Employment Development Department for appropriate action as set forth in the decision.

The matter is being sent to the Office of the Director at:

**EMPLOYMENT DEVELOPMENT DEPARTMENT
P O BOX 826880
SACRAMENTO CA 94280-0001
1-800-300-5616**

Any future correspondence concerning those portions of the referred case should be addressed to that office. It is important that you notify the above office of any change in your address.

CALIFORNIA UNEMPLOYMENT INSURANCE APPEALS BOARD



INGLEWOOD OFFICE OF APPEALS
9800 South La Cienega Blvd - Ste 901
INGLEWOOD CA 90301

(310) 337-4302

ARVIE J MORITZ
Claimant-Appellant

DHL EXPRESS
c/o UC EXPRESS
Account No: 247-0615
Employer

Case No. 4559049

Issue(s): 1030/32, 1256

Date Appeal Filed: 08/10/2012

EDD: 0250 BYB: 05/01/2011

Date and Place of Hearing(s):
(1) 11/02/2012 Inglewood

Parties Appearing:
Claimant

DECISION

The decision in the above-captioned case appears on the following page(s).

The decision is final unless appealed within 20 calendar days from the date of mailing shown below. See the attached "Notice to Parties" for further information on how to file an appeal. If you are entitled to benefits and have a question regarding the payment of benefits, call EDD at 1-800-300-5616.

Melissa Billet, Administrative Law Judge

FILE COPY

Date Mailed:

NOV 19 2012

Case No.: 4559049

CLT/PET: Arvie Moritz

Parties Appearing: Claimant

Parties Appearing by Written Statement: None

Inglewood Office of Appeals

ALJ: Melissa Billet

ISSUE STATEMENT

The claimant appealed from a determination disqualifying her for unemployment benefits under Unemployment Insurance Code section 1256. The issue in this case is whether the claimant voluntarily left the most recent employment without good cause.

FINDINGS OF FACT

The claimant most recently worked for the employer, DHL Express, as an ocean pricing analyst for 8 years. Her final rate of pay was \$40 per hour. The claimant last worked on April 22, 2011, when she voluntarily quit under the following circumstances.

In December of 2010, the employer advised the claimant and others that their division would be disbanded and reorganized out of state. No date for the change was given. The claimant continued to perform her regular duties at her usual rate of pay. In January and April of 2011, the claimant asked the employer for clarification regarding the status of her division. She was told things were still in transition and was not given any further information. In the interim, the claimant spoke with her supervisor about jobs in other cities. She was told that everything had been filled and there were no openings. The claimant assumed her job would eventually be eliminated. She felt overwhelmed and panicked about her finances, including the upcoming lease renewal on her apartment. She decided to move in her with a daughter in Northern California. The claimant informed the employer that she was retiring effective April 22, 2011.

REASONS FOR DECISION

An individual is disqualified for benefits if he or she left his or her most recent work voluntarily without good cause. (Unemployment Insurance Code, section 1256.)

There is good cause for voluntarily leaving work where the facts disclose a real, substantial, and compelling reason of such nature as would cause a reasonable person genuinely desirous of retaining employment to take similar action. (Precedent Decision P-B-27.)

In Precedent Decision P-B-97 the claimant retired voluntarily. The appeals board found that the claimant's action was not that of a person genuinely desirous of retaining employment and held the claimant voluntarily left employment without good cause.

In Precedent Decision P-B-479 the claimant accepted the employer's financial incentives for early retirement. Although the claimant was concerned about future restructuring, there was no immediate threat he would be laid off or reassigned. The appeals board held that the monetary incentives alone were not good cause for leaving. As the claimant had provided no other compelling reasons for retiring, the board held he left work without good cause.

In this case, the claimant retired four months after being notified that her department would eventually be reorganized. At the time she retired, she was still performing her regular duties and had not been given any date on which her job would be altered or eliminated. It is understandable that the claimant was concerned for her future job security. However, inasmuch as the employer had taken no specific action other than to mention a reorganization which would take place at an unknown time in the future, there was no immediate threat of a lay-off or reassignment. The claimant could have continued to work and earn her usual salary until the time came, if at all, when the employer actually began the transition mentioned months earlier. Instead, the claimant simply assumed her job would be eliminated and on that assumption elected to retire. Under these circumstances, the claimant has not shown that she had a real, substantial and compelling reason for leaving employment.

It is therefore found that the claimant left her most recent work voluntarily and without good cause. She is disqualified for benefits under code section 1256.

DECISION

The determination of the department is affirmed. The claimant is disqualified for benefits under Unemployment Insurance Code section 1256. Benefits are denied.

ING:mb

CALIFORNIA UNEMPLOYMENT INSURANCE APPEALS BOARD



INGLEWOOD OFFICE OF APPEALS
9800 South La Cienega Blvd - Ste 901
INGLEWOOD CA 90301

(310) 337-4302

ARVIE J MORITZ
Claimant-Appellant

Case No. 4559051

Issue(s): 1375, 1375.1

Date Appeal Filed: 08/10/2012

EDD: 0250 BYB: 05/01/2011

Date and Place of Hearing(s):
(1) 11/02/2012 Inglewood

Parties Appearing:
Claimant

DECISION

The decision in the above-captioned case appears on the following page(s).

The decision is final unless appealed within 20 calendar days from the date of mailing shown below. See the attached "Notice to Parties" for further information on how to file an appeal. If you are entitled to benefits and have a question regarding the payment of benefits, call EDD at 1-800-300-5616.

Melissa Billet, Administrative Law Judge

FILE COPY

Date Mailed:

NOV 19 2012

Case No.: 4559051

CLT/PET: Arvie Moritz

Parties Appearing: Claimant

Parties Appearing by Written Statement: None

Inglewood Office of Appeals

ALJ: Melissa Billet

OP

ISSUE STATEMENT

The claimant appealed from a notice of overpayment that held her liable for the repayment of benefits of \$11700 under Unemployment Insurance Code section 1375 for the 26 weeks ending November 5, 2011, and liable for a penalty assessment of \$3510 under Unemployment Insurance Code section 1375.1. The issues in this case are:

- (1) Whether the claimant was overpaid benefits, and, if so, whether the claimant is liable for the repayment of those benefits; and
- (2) Whether the claimant was overpaid benefits due to a wilful false statement or representation, or wilful withholding of a material fact when claiming benefits.

FINDINGS OF FACT

The claimant filed a claim for benefits which began on May 1, 2011 with a weekly benefit of \$450.

This matter was heard with companion cases 4559049 and 4559050, both of which are incorporated by reference. In the decision in case number 4559049, it was found that the claimant voluntarily quit her most recent work without good cause.

In the decision in case number 4559050, it was found that the claimant did not willfully give false information or willfully withhold material facts concerning her separation from employment.

REASONS FOR DECISION

Any person who is overpaid unemployment insurance benefits is liable for repayment unless the overpayment was not due to fraud, misrepresentation or wilful nondisclosure, was received without fault, and its recovery would be against equity and good conscience. (Unemployment Insurance Code, section 1375(a).)

Fault does not signify wilful intent or evil design; rather fault results from negligence, an error in judgment, or inadvertence due to lack of care or carelessness. (Precedent Decision P-B-368.)

In Precedent Decision P-B-361, the appeals board held that under section 1375 of the code, waiver of the recovery of an overpayment depends upon three tests. "First, were the benefits overpaid by the department because of fraud, misrepresentation or wilful nondisclosure [P-B-69]. Second, was the overpayment received without fault on the part of the claimant. Third, provided there was no fraud or fault on the part of the claimant, would compelling recovery of the overpayment violate the principles of equity and good conscience [citation omitted]."

In this case, the credible evidence establishes that the claimant left employment under disqualifying circumstances and was not entitled to the benefits paid by the department. The overpayment was not caused by any fraud or intentional wrongdoing by the claimant. However, since the claimant's negligence caused the overpayment to occur, waiver is inappropriate and repayment is required under code section 1375.

The claimant requires a repayment plan for the overpayment. The department is directed to assist the claimant in establishing monthly payments. The claimant states that she is able to pay between \$100 and \$150 per month.

The remaining question is whether the claimant is liable for the penalty assessed under code section 1375.1.

If an individual is overpaid benefits because the individual made a willful false statement with actual knowledge, or withheld a material fact, the director shall assess against the claimant an amount equal to 30 percent of the overpayment amount. (Unemployment Insurance Code, section 1375.1.)

Here, the claimant did not willfully give false information or willfully withhold material facts concerning this work and wages. Consequently, the claimant may not be assessed a penalty.

DECISION

The notice of overpayment is modified. The claimant is liable for the overpayment of \$11700 under Unemployment Insurance Code section 1375. The claimant is not liable for the penalty of \$3510 under section 1375.1.

ING:mb



INGLEWOOD OFFICE OF APPEALS
9800 South La Cienega Blvd - Ste 901
INGLEWOOD CA 90301

(310) 337-4302

ARVIE J MORITZ
Claimant-Appellant

Case No. 4559052 (EUC INTER)

Issue(s): 1375, 1375.1

Date Appeal Filed: 08/10/2012

EDD: 0250 BYB: 03/25/2012

Date and Place of Hearing(s):
(1) 11/02/2012 Inglewood

Parties Appearing:
Claimant

DECISION

The decision in the above-captioned case appears on the following page(s).

The decision is final unless appealed within 20 calendar days from the date of mailing shown below. See the attached "Notice to Parties" for further information on how to file an appeal. If you are entitled to benefits and have a question regarding the payment of benefits, call EDD at 1-800-300-5616.

Melissa Billet, Administrative Law Judge

FILE COPY

Date Mailed: NOV 19 2012

Case No.: 4559052

CLT/PET: Arvie Moritz

Parties Appearing: Claimant

Parties Appearing by Written Statement: None

Inglewood Office of Appeals

ALJ: Melissa Billet

OP

ISSUE STATEMENT

The claimant appealed from a notice of overpayment that held her liable for the repayment of benefits of \$5850 under Unemployment Insurance Code section 1375 for the 13 weeks ending June 23, 2012, and liable for a penalty assessment of \$1755 under Unemployment Insurance Code section 1375.1. The issues in this case are:

- (1) Whether the claimant was overpaid benefits, and, if so, whether the claimant is liable for the repayment of those benefits; and
- (2) Whether the claimant was overpaid benefits due to a wilful false statement or representation, or wilful withholding of a material fact when claiming benefits.

FINDINGS OF FACT

The claimant filed a claim for benefits which was extended on March 25, 2012 with a weekly benefit of \$450.

This matter was heard with companion cases 4559049 and 4559050, both of which are incorporated by reference. In the decision in case number 4559049, it was found that the claimant voluntarily quit her most recent work without good cause.

In the decision in case number 4559050, it was found that the claimant did not willfully give false information or willfully withhold material facts concerning her separation from employment.

REASONS FOR DECISION

Any person who is overpaid unemployment insurance benefits is liable for repayment unless the overpayment was not due to fraud, misrepresentation or wilful nondisclosure, was received without fault, and its recovery would be against equity and good conscience. (Unemployment Insurance Code, section 1375(a).)

Fault does not signify wilful intent or evil design; rather fault results from negligence, an error in judgment, or inadvertence due to lack of care or carelessness. (Precedent Decision P-B-368.)

In Precedent Decision P-B-361, the appeals board held that under section 1375 of the code, waiver of the recovery of an overpayment depends upon three tests. "First, were the benefits overpaid by the department because of fraud, misrepresentation or wilful nondisclosure [P-B-69]. Second, was the overpayment received without fault on the part of the claimant. Third, provided there was no fraud or fault on the part of the claimant, would compelling recovery of the overpayment violate the principles of equity and good conscience [citation omitted]."

In this case, the credible evidence establishes that the claimant left employment under disqualifying circumstances and was not entitled to the benefits paid by the department. The overpayment was not caused by any fraud or intentional wrongdoing by the claimant. However, since the claimant's negligence caused the overpayment to occur, waiver is inappropriate and repayment is required under code section 1375.

The claimant requires a repayment plan for the overpayment. The department is directed to assist the claimant in establishing monthly payments. The claimant states that she is able to pay between \$100 and \$150 per month.

The remaining question is whether the claimant is liable for the penalty assessed under code section 1375.1.

If an individual is overpaid benefits because the individual made a willful false statement with actual knowledge, or withheld a material fact, the director shall assess against the claimant an amount equal to 30 percent of the overpayment amount. (Unemployment Insurance Code, section 1375.1.)

Here, the claimant did not willfully give false information or willfully withhold material facts concerning this work and wages. Consequently, the claimant may not be assessed a penalty.

DECISION

The notice of overpayment is modified. The claimant is liable for the overpayment of \$5850 under Unemployment Insurance Code section 1375. The claimant is not liable for the penalty of \$1755 under section 1375.1.

ING:mb

CALIFORNIA UNEMPLOYMENT INSURANCE APPEALS BOARD



INGLEWOOD OFFICE OF APPEALS
9800 South La Cienega Blvd - Ste 901
INGLEWOOD CA 90301

(310) 337-4302

ARVIE J MORITZ
Claimant-Appellant

Case No. 4559053 (EUC INTER)

Issue(s): 1375, 1375.1

Date Appeal Filed: 08/10/2012

EDD: 0250 BYB: 11/06/2011

Date and Place of Hearing(s):
(1) 11/02/2012 Inglewood

Parties Appearing:
Claimant

DECISION

The decision in the above-captioned case appears on the following page(s).

The decision is final unless appealed within 20 calendar days from the date of mailing shown below. See the attached "Notice to Parties" for further information on how to file an appeal. If you are entitled to benefits and have a question regarding the payment of benefits, call EDD at 1-800-300-5616.

Melissa Billet, Administrative Law Judge

FILE COPY

Date Mailed: NOV 19 2012

Case No.: 4559053

CLT/PET: Arvie Moritz

Parties Appearing: Claimant

Parties Appearing by Written Statement: None

Inglewood Office of Appeals

ALJ: Melissa Billet

OP

ISSUE STATEMENT

The claimant appealed from a notice of overpayment that held her liable for the repayment of benefits of \$9000 under Unemployment Insurance Code section 1375 for the 20 weeks ending March 24, 2012, and liable for a penalty assessment of \$2700 under Unemployment Insurance Code section 1375.1. The issues in this case are:

- (1) Whether the claimant was overpaid benefits, and, if so, whether the claimant is liable for the repayment of those benefits; and
- (2) Whether the claimant was overpaid benefits due to a wilful false statement or representation, or wilful withholding of a material fact when claiming benefits.

FINDINGS OF FACT

The claimant filed a claim for benefits which was extended on November 6, 2011 with a weekly benefit of \$450.

This matter was heard with companion cases 4559049 and 4559050, both of which are incorporated by reference. In the decision in case number 4559049, it was found that the claimant voluntarily quit her most recent work without good cause.

In the decision in case number 4559050, it was found that the claimant did not willfully give false information or willfully withhold material facts concerning her separation from employment.

REASONS FOR DECISION

Any person who is overpaid unemployment insurance benefits is liable for repayment unless the overpayment was not due to fraud, misrepresentation or wilful nondisclosure, was received without fault, and its recovery would be against equity and good conscience. (Unemployment Insurance Code, section 1375(a).)

Fault does not signify wilful intent or evil design; rather fault results from negligence, an error in judgment, or inadvertence due to lack of care or carelessness. (Precedent Decision P-B-368.)

In Precedent Decision P-B-361, the appeals board held that under section 1375 of the code, waiver of the recovery of an overpayment depends upon three tests. "First, were the benefits overpaid by the department because of fraud, misrepresentation or wilful nondisclosure [P-B-69]. Second, was the overpayment received without fault on the part of the claimant. Third, provided there was no fraud or fault on the part of the claimant, would compelling recovery of the overpayment violate the principles of equity and good conscience [citation omitted]."

In this case, the credible evidence establishes that the claimant left employment under disqualifying circumstances and was not entitled to the benefits paid by the department. The overpayment was not caused by any fraud or intentional wrongdoing by the claimant. However, since the claimant's negligence caused the overpayment to occur, waiver is inappropriate and repayment is required under code section 1375.

The claimant requires a repayment plan for the overpayment. The department is directed to assist the claimant in establishing monthly payments. The claimant states that she is able to pay between \$100 and \$150 per month.

The remaining question is whether the claimant is liable for the penalty assessed under code section 1375.1.

If an individual is overpaid benefits because the individual made a willful false statement with actual knowledge, or withheld a material fact, the director shall assess against the claimant an amount equal to 30 percent of the overpayment amount. (Unemployment Insurance Code, section 1375.1.)

Here, the claimant did not willfully give false information or willfully withhold material facts concerning this work and wages. Consequently, the claimant may not be assessed a penalty.

DECISION

The notice of overpayment is modified: The claimant is liable for the overpayment of \$9000 under Unemployment Insurance Code section 1375. The claimant is not liable for the penalty of \$2700 under section 1375.1.

ING:mb

4559053-5-000000

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Case No. AO-314175

P O Box 944275
SACRAMENTO, CA 94244-2750
Telephone: (916) 263-6619
Fax: (916) 263-6836

DECISIONS SENT TO

ARVIE J MORITZ
3202 SOUTH WAYNOKA CIRCLE
MEMPHIS, TN 38111-3615

UC EXPRESS
P O BOX 23020
OAKLAND, CA 94623
