

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011**

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**HOUSE BILL 597  
Committee Substitute Favorable 5/16/11**

Short Title: UI/Fix Aggrieved Party Definition.

(Public)

Sponsors:

Referred to:

April 5, 2011

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT AN INDIVIDUAL WHO HAS BEEN AWARDED UNEMPLOYMENT INSURANCE BENEFITS BY THE EMPLOYMENT SECURITY COMMISSION, BUT DOES NOT RECEIVE THOSE BENEFITS AS THE RESULT OF AN ACT OR OMISSION OF THE COMMISSION, IS DEEMED AN AGGRIEVED PARTY FOR THE PURPOSES OF JUDICIAL REVIEW WITHOUT THE REQUIREMENT TO EXHAUST ADMINISTRATIVE REMEDIES.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 96-12(b)(1) reads as rewritten:

- "(b) (1)      a. Repealed by Session Laws 1977, c. 727, s. 52.
- b. An individual who is totally unemployed shall be paid the individual's weekly benefit amount. The weekly benefit amount for an individual is the amount of the high-quarter wages paid to the individual in the individual's base period, divided by 26 and, if the quotient is not a whole dollar, rounded to the next lower whole dollar. If this amount is less than fifteen dollars (\$15.00), the individual is not eligible for benefits.
- c. Repealed by Session Laws 1981, c. 160, s. 17.
- d. In any case where an individual has applied for weekly benefits and has been awarded benefits but fails to receive those benefits as the result of an act or omission on the part of the Commission, the Commission shall rectify the error and shall pay the benefits immediately. Any failure of the Commission to rectify and pay as required by this subdivision renders the individual an aggrieved party for the purposes of G.S. 96-15(h) who is not required to exhaust administrative remedies and who may obtain injunctive and other relief, including an order to compel the Commission to pay the benefits."

**SECTION 2.** This act is effective when it becomes law.

