

Memories of Mystic

Another Successful Training Conference

By Lynne Knox / Connecticut

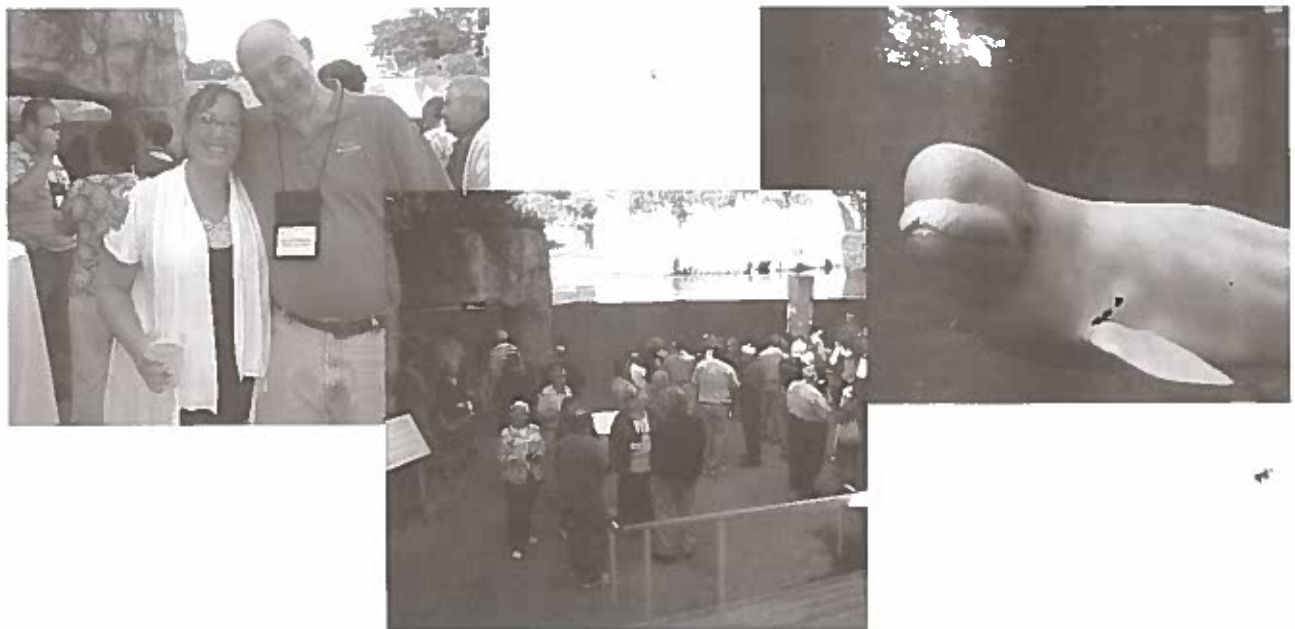
From the melodic sounds of the jazz combo at the opening reception, to the Beluga whale's smile, to the rousing ovation for Connecticut's former Governor, the Mystic conference offered the educational and relaxing experience that our appeals folks needed despite the overwhelming caseloads they faced upon returning to their respective states.

Conference attendees were once again treated to a informative yet entertaining presentation by Angela Bullard that went to the core of the pressures we are experiencing during this present recession - stress and backlogs. Her presentation, entitled "How to Survive When Things Go Bad in Appeals," was replete with the humor and insight that we have come to expect of Angela. Angela followed up with a workshop the following day, "Fast and Furious - Racing Through Quality Review in a High Volume Caseload" which provided the conference attendees a concise and practical overview of these performance measurements.

The federal office also worked closely with the agenda committee, chaired by Mike Milwee and Lynda McDaniel, to offer practical and timely workshops on managing lower authority hearing officers, training with a limited budget, extended benefits, coping with appeal workloads, and dealing with unrepresented parties. The agenda was so full of relevant topics that one conference attendee remarked that he was upset - not with having too little time to see what Mystic offered - but with not being able to attend all of the competing workshops.

The Connecticut team worked tirelessly to make the conference appear effortless. We are thankful to them for making NAUIAB's 30th Anniversary conference a rousing success. Their efforts are still reflected on NAUIAB's web site which contains materials from most of the presenters and workshop participants along with their biographical information.

...And who won't take away from the conference the unforgettable memory of our former President Bill Funderburk's encounter with the sea lion at the Mystic Aquarium.



President's Column

By Dorothy Johnson, Florida

Just as trees shed their leaves in the fall to make room for the new growth of spring, economies reset themselves. . . . Seen in the greater context of history, economic crises inevitably give rise to critical periods in which an economy is remade in ways that allow it to recover and begin growing again.

The Great Reset by Richard Florida.

In The Great Reset Richard Florida analyzes the current recession in the context of the recessions over the last 150 years. He finds these economic crises were the outward manifestation of an economy no longer innovative and thus ceasing to function productively. But, that very failure forces the shedding of low value activities and the growth of new systems which are innovative and bring new and valuable productivity to society. The author points out this process is painful, which we all currently understand, and, we feel the loss of the old while feeling unsettled and afraid of the unknown future.

Reading The Great Reset I recognized in myself this feeling of loss of what was and unease about what is to be. I am coming to recognize that feeling as the same feeling I had when I faced any new opportunity that was fraught with risk but that offered endless possibility, such as, the transition from High School to College, single to married, a new job and now my not too distant future opportunity of those years called "retirement." I am also sensing the beginnings of the sizzle of excitement in our economy and in the UC Program as we move through this recession and begin to look at what is to come.

During the last few years many state UC programs have updated 1970's technology and many more states are either in the process of updates or will be entering contracts soon. Here in Florida as we are evaluating bids and listen to the vendors the possibilities seem endless and the opportunities magical. On a national scale NAUIAB has been invited to participate in an UI workgroup developing a methodology for indentifying highly effective UI practices and processes and sharing those among the states. I am very excited to be representing NAUIAB on this workgroup and for

NAUIAB to have the opportunity to participate in developing this methodology.

Closer to home and more immediate, your NAUIAB Board of Governors is working on improvements to our Web page to provide additional resources to our members. Two areas of focus this year are tools for hearing officers and ALJ members and for appeals managers at both the higher and lower authority. I have asked Craig Gustafson to head the initiative to identify materials and links useful to hearing officers and ALJs and Alice Mitchell to head up the initiative for mangers. Of course Mike Miller, as head of the Web Site Committee, will be continuing his efforts to bring more information to our members. Please share your ideas and suggestions with Craig, Alice and Mike. You can find e-mail addresses and telephone numbers in this issue or at the NAUIAB Web Page.

Next July you will find much more information on appeals best practices and innovative ideas at the NAUIAB annual conference. For more information on the Conference read the conference article in this newsletter and please take a minute now to mark your calendar for July 10 through 15, 2011 for the Oklahoma NAUIAB Conference. I look forward to seeing you there.

We all know that NAUIAB is a great place to find best practices, innovative ideas, and the experts and friends to help you make those ideas work for your state. As we live and work through this historic time may we all look to the opportunities around us and share in the wonder and excitement of what the future holds.

Oklahoma – Things To Do, Places To See!

By Lynn Williamson / Maryland

Getting Around

For those of you will be arriving by train, the Amtrak station is across from the Renaissance Oklahoma City Convention Center Hotel. The Renaissance also provides a shuttle between the airport and the hotel.

The Oklahoma City Spirit and “The Eddy” Edmond Trolleys can transport you to most of the downtown area sites that you may want to travel to.

Sightseeing

There are several sites to see and cultural venues in the City of Oklahoma. The following are some of the museums that are in the downtown area and close to the Renaissance Oklahoma Convention Center where the NAUIAB Conference will be held. The closest site is the Cox Convention Center which is connected to the hotel by a sky bridge.

National Cowboy & Western Heritage Museum, 1700 N.E. 63rd Street.
nationalcowboymuseum.org.

Science Museum Oklahoma, 2100 N.E. 52nd Street. sciencemuseumok.org

Oklahoma City National Memorial & Museum. This landmark was created in honor of the April 19, 1995 Alfred P. Murrah Federal Building bombing victims. The site consists of an outdoor memorial containing the Field of Empty Chairs, the bronzed Gates of Time, a 315 foot reflecting pool, a Survivor Tree, and Rescuers Orchard, and other highlights. The 24,000 square foot facility also contains an interactive learning museum. 620 N. Harvey. This site is tentatively scheduled for one of the evening outings scheduled for the NAUIAB attendees.



Oklahoma History Center. This 215,000 square foot facility provides exhibits which explore Oklahoma City’s geology, transportation, culture, aviation and heritage. A banquet, with live entertainment, is scheduled at this site on Tuesday evening during the conference. Transportation will be provided. The galleries will also be open for viewing. 2401 N. Laird Avenue. Okhistorycenter.org.



Red Earth Museum and Gallery offers Native American Indian Cultural artifacts and history. 6 Santa Fe Plaza.

Oklahoma City Museum of Art. This museum has a theatre and restaurant located therein. 415 Couch Drive.

Things To Do – Shopping, Dining and Nightlife can all be found at Bricktown.

Bricktown is an exciting downtown entertainment and dining area. Formerly a busy warehouse district, now converted into public art centers,

Oklahoma continued on page 9

UI History in Bas-Relief

Submitted by Brian Langley / USDOL

Part V: the federal-state UI program, the early years continued

If you missed it, August 14, 2010, marked the 75th anniversary of the unemployment insurance (UI) program. The U.S. Department of Labor (USDOL) celebrates this milestone by issuing a new UI video and a commemorative poster to states. The 75th anniversary will also be highlighted during National Association of State Workforce Agencies' UI conference this October. For more information on the UI conference, please visit their website at: <http://www.workforceatm.org/ui75dc/index.cfm>

Looking back over the last seventy-five years, in 1935, there were 53 million individuals in the United States' civilian labor force and 20% of that number was women. The national unemployment rate was around 20%. The three broad categories of employment in 1935 were agriculture at 29%, manufacturing at 24%, and services at 42%. Comparing 1935 to 2010, 47% of the civilian labor force now consists of women and the total labor force is around 154 million individuals. Currently, the three broad categories of employment are sliced as agriculture at 2%, manufacturing at 9%, and services at 86%. The national unemployment rate is around 10%.

As mentioned previously, the constitutionality of state and federal laws was challenged in several states as soon as UI taxes became payable to the unemployed after January 1936. The U.S. Supreme Court upheld the constitutionality of the New York law in November 1936, and that of the Social Security Act (Act) and the Alabama Unemployment Compensation Act in May 1937. The type of federal-state cooperation provided in the Act had never been tried in any other governmental proclamation. The Act did not set up a general system of UI benefits comparable to the federal old age insurance system, nor did it provide grants to states for UI benefits, comparable to the matching grants provided for public assistance payments.

What separated the Act from other governmental declaration was that it levied a tax on all employers in industry and commerce who had eight or more workers for at least 20 weeks in a year. The federal tax was one percent of payrolls for 1936,

two percent for 1937, and three percent for 1938. Since all employers were taxed, each state could assist its unemployed workers without putting state industries at an economic disadvantage relative to those in other states. Through a tax offset provision, the federal law actually made it advantageous for states to enact laws to pay UI benefits. Employers received credit payments under state UI law against up to 90 percent of the federal tax due and also credited for contributions under a state experience rating system.

Effective in 1940, the federal taxable wage base was \$3,000 paid to covered workers. In 1983, the taxable wage rose to its current level at \$7,000. More than half of the states have adopted a higher tax base than applicable under federal law. Currently, states' UI taxable wage base range from \$7,000 to \$37,000. From 1938 to 1960, the UI tax was 3.0 percent of an employer's taxable payroll. In 1970, the tax rose to 3.2 percent and the net tax received by the federal government was 0.5 percent. In 1983, the UI tax was increased to 3.5 percent of employers' taxable payrolls. In 1985, the federal UI tax increased to its current 6.2 percent with a net tax of 0.8 percent, while employers receiving an offset credit rose to 5.4 percent.

Although the cost of administering state UI programs was financed entirely from the federal share of the unemployment compensation tax, Congress was required to appropriate funds annually. On the other side of the funding, to safeguard the financial stability of the UI benefits system, the federal law required each state to deposit the taxes it collected in a UI trust fund set up by the U.S. Treasury, and the money was to be invested in U.S. government bonds. A separate account was kept for each state and states could withdraw funds at any time, but only to pay UI benefits.

By 1937, all 48 states, the District of Columbia, Alaska, and Hawaii had enacted UI legislation. By July 1939, all states were paying benefits to unemployed workers. Puerto Rico began paying UI benefits in 1959, but did not enter the federal-state system until 1961. The Virgin Islands entered the system in 1961, but didn't start paying UI benefits until 1964.

UI History in Bas-Relief continued on page 9

Southern Fried: Beating Burnout

By Angela Bullard, ALJ II (CA)

“Fine.”

It's the standard polite response we give several times a day to the standard polite question “How are you?” But for many of us handling unemployment insurance appeals lately that answer may not be altogether honest and, more than anyone else, we may be deceiving ourselves. We likely are suffering from burnout and often we are the last to know.

Even during the best of times, unemployment insurance appeals judges are at high risk for burnout; you may have noticed these are not the best of times. For me, furloughs resulted in a 15% pay cut while backlogs resulted in workload increases of more than double that percentage. Suddenly it seemed the rest of the world had decided that the global economic meltdown was somehow entirely my fault (it wasn't!) and I was to be punished accordingly (enough already!). So when I came upon my first article about burnout earlier this year I was transfixed; the symptoms the author described hit too close to home to ignore. I began to research the topic in an effort to understand and heal myself.

I presented the results of my efforts at the 2010 conference in Mystic, CT. For those of you who kindly attended “Drained...surviving when things suck in UI appeals” I hope this article will serve as a reminder of some key points; for those who could not be there (you were missed) I hope this article will raise your awareness and help you prevent or beat burnout.

The term “burnout” was coined in a 1974 book by Holocaust survivor and psychologist Dr. Herbert Freudenberger. In the relatively short period of time since, massive amounts of research have been done regarding this condition by experts such as Drs. Christina Maslach, Martin Seligman, and Beverly Potter. Some of the definitions of burnout include: a prolonged response to chronic stressors; physical, mental and emotional exhaustion caused by long term involvement in demanding situations; fatigue and frustration resulting from devotion to an endeavor that fails to produce expected rewards. Even though burnout can spring from other sources, its study is strongly focused on employee burnout in workplace environments, giving rise to my personal favorite definition: “a profound and lasting dread of going to work.”

So how can I be sure that I'm burned out and not just lazy? The answer is implicit in the term itself. In order to burn out, you have to have at some point been on fire. Burnout only happens to the best and brightest employees (sorry, slackers!). Employees who view their work as not just a paycheck but instead a “calling” are highly susceptible to burnout. Other employees prone to burnout tend to be high achieving, “type A” personalities who like perfectionism and control; they may be workaholics. Because of their feelings about work and their natural tendencies, these employees are more likely to make unhealthy lifestyle choices that result in imbalances: poor eating, sleeping and exercising habits; taking on too much, failing to say “no” or delegate; neglecting supportive relationships; not taking enough rest and recreation time.

While certain employees may be predisposed to burnout, any employee is vulnerable depending on working conditions. Despite popular belief, burnout is not the result of overwork alone; it is the result of overwork paired with at least one other workplace catalyst. Research indicates that there are a number of such common workplace catalysts, including: disillusionment; insufficient rewards, recognition and appreciation; lack of control or input in decision-making processes; overly demanding, unclear or conflicting expectations; chaotic, high-pressure or dangerous environments; inadequate resources; boredom, rote work, no advancement opportunity; lack of communication; poor leadership; being required to make painful or unpopular decisions; dealing with unhappy people in unhappy circumstances.

All burned out employees identify exhaustion as a primary physical symptom. Employees experiencing burnout also report myriad physical symptoms that may mimic anything from a common cold to cancer: changes in eating or sleeping habits; headaches; gastric disturbances; joint and muscle pain; teeth grinding; hives or rashes; heart palpitations; nervous tics; reduced libido.

Mental symptoms of burnout include inability to focus, forgetfulness, obsessive thoughts and negative ruminations. Emotional symptoms of burnout include feelings of resentment, helplessness, apathy, futility, indifference, shame, and guilt. Burned out employees feel they are “trapped;” “in a rut;” and “just going through the motions.” The physical, mental and emotional symptoms of burnout ultimately manifest themselves in behavioral symptoms such as: impatience, irritability and hostility; clock-watching and absenteeism; sarcasm and rudeness; inflexibility; crying jags or other emotional displays; malaise or immobility; detachment, withdrawal and isolation.

Burnout has serious consequences for the burned out employee. Burnout can lead to real health problems and possible self-medication by any number of legal or illegal means. Burned out employees withdraw because they perceive any further demands upon them as too much to bear; thus they may damage or lose supportive personal relationships. At work, their loss of motivation and “compassion fatigue” toward those they serve may lead to unacceptable workplace performance and behavior sufficient to cost them their employment.

Employers also suffer when employees burn out. American employers lose hundreds of billions of dollars annually to employee stress and burnout. This is the combined cost of absenteeism, greater inefficiency, error and accident rates, production losses, and increased health care claims. Society as a whole loses out on the creativity, innovation and progress burned out employees would otherwise contribute if their knowledge, talents and potential were properly utilized. Moreover, burnout is linked to incidents of workplace violence, not just by burned out employees, but toward them when their attitudes and behaviors may provoke those whom they are tasked to serve.

The good news about burnout is that it is both preventable and curable with proper education and action. Most burned out employees do not realize they are suffering from this condition, so the first step is awareness. Absent awareness, everything a burned out employee knows and normally does hinders his or her recovery. Such employees inevitably try to work themselves out of the problem as they perceive it. They think more effort at work is the answer, which just keeps them trapped in the vicious cycle of burnout.

The key to beating burnout is restoring life balance. Work occupies 36% of waking hours for employees who work a 40 hour week and sleep 8 hours per night (although I suspect most of us work more and sleep less). Obviously, we have the most control over how we spend the other 64% of our waking hours. Always, but especially during that time, you should put yourself first. Devote some effort toward developing healthier habits, interests outside work to nurture your creativity, and relationships with people who value you for something other than what you do for a living.

As much as possible employees should try to limit encroachments on personal time. In the personal realm, learn to say “no” without guilt; control the number of commitments you make by considering the “yes” to “stress” ratio involved. Prioritize what is important to you and let go of those things which are lower on the list. Empower others with an opportunity to step into those places you were holding which did not bring you joy. Re-evaluate your standards; not everything needs to be perfect. Try to maintain hope, humor, gratitude and perspective. Set personal goals and reward yourself for achievement. Create spatial and temporal sanctuaries.

At work, build healthy, supportive relationships with colleagues, but don't spend too much time complaining about working conditions. Try to work a standard schedule, reporting and leaving at the same time each day no matter what and leave work at work--unplug. Really take your breaks and lunch time. Use your leave to take mental health days, enjoy planned and happily anticipated recreation events and vacations. Remember that at least eight studies confirm people get more long-term satisfaction out of experiential, rather than material, expenditures. Do whatever you can by working proactively with your employer to improve or eliminate known workplace burnout catalysts.

I'm pleased to report that with effort I am making progress toward beating burnout. I hope the next time we meet and you ask “How are you?” I can answer, honestly and enthusiastically, “Fine!” instead of “Fried!” (Please note: Angela Bullard writes as an independent member of NAUIAB; she does not represent CUIAB.)

SKILLS2COMPETE: Refocusing Maryland's Workforce System

By Alexander M. Sanchez, Secretary
Maryland Department of Labor, Licensing and Regulation

There can be no more effective help for unemployed individuals than jobs. It is our task to ensure that they have the skills necessary to compete for the opportunities that exist in our rapidly transforming economy.

Last May, President Obama declared that this was "the time to change unemployment from a period of wait and see, to a chance for our workers to train and seek the next opportunity – so when the new and better day does come around our people, our industry, and our entire country are ready to make the most of it."

We must meet that challenge to complete and sustain the economic recovery now under way.

According to the National Skills Coalition, 42 percent of all job openings projected for Maryland by 2016 are in the middle-skill category, accounting for more than 434,000 positions. We define middle-skill jobs as those that require more than a high school diploma but not a 4-year college degree.

In Maryland, that need to rapidly expand the middle-skill workforce, as well as retrain workers who require new skills, led to a customized adaptation of the Skills2Complete strategy as envisioned by the National Skills Coalition and adopted in some form in more than a dozen other states.

Skills2Compete will refocus Maryland's workforce system and resources to better prepare workers with the skills to compete for and succeed in middle and high skill jobs in the new economy

- jobs in infrastructure building, healthcare, information technology and jobs related to the "green economy."

Skills2Compete Maryland works to ensure that every working Marylander has access to the equivalent of at least two years of education or training past high school – leading to a career or technical credential, industry certification, or two years of college.

We've recognized a need to more closely integrate adult and correctional educational programs with job training and placement services, and make these programs more relevant for Marylanders who want to increase their skills and opportunities for rewarding careers with family supporting wages.

To help jumpstart workers into new careers, Maryland will soon implement a new on-the-job-training program with participating employers, funded by a \$2 million grant from the U.S. Department of Labor.

Just last month, we launched the first of what will be many training courses offered through our community college and workforce partners in Maryland to prepare workers for careers in installing solar energy equipment -- part of a comprehensive "green jobs" training effort financed by a \$5.8 million federal grant.

Through these and other programs, we ensure that Maryland employers will have the best trained workforce in the United States to help them expand and thrive.

for past issues of the

VISIT

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Thirty Three in Two Thirteen

By Alice Mitchell, Georgia

Yes, it is hard to believe, but in the year 2013, NAUIAB will be 33 years old.

Want to make it a special birthday? Would your state host the 2013 conference?

This is a call out to the states to consider hosting NAUIAB's 33rd annual training conference in June/July 2013.

Before saying no, consider the perks:

- 1) An invaluable opportunity to bring NAUIAB training to your state and staff.
- 2) A golden opportunity for you and your state to spotlight local speakers, dignitaries, fine dining and entertainment venues.
- 3) An opportunity to engage your agency's staff with members of NAUIAB from other states. (Does "best practices" come to mind?)
- 4) A savings opportunity to provide bargain priced CLE (20+ hours) for your attorneys.

Help us celebrate! Be a part of the action! You can email me @ alice.mitchell@dol.state.ga.us for more details.

THE LIGHTER SIDE

By Conny Franken, Indiana

"I won't insult your intelligence by suggesting that you really believe what you just said".
William F. Buckley, Jr.

"A friend doesn't go on a diet because you are fat".
Erma Bombeck

"If there's a 50/50 chance something will go wrong, nine times out of ten it will". Paul Harvey

"All of us might wish at times that we lived in a more tranquil world, but we don't. And if our times are difficult and perplexing, so are they challenging and filled with opportunity."
Robert F. Kennedy

**Your 2011 CLEs
are bargain priced
at the NAUIAB
Oklahoma
Training
Conference**

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restaurants, nightclubs, a brewery, shopping and more. Bricktown also offers water taxi tours along the Bricktown Canal. The AT&T Bricktown Ballpark is on site. Bricktown even provides you with the luxury of a horse-drawn carriage ride.

Oklahoma City Riverboat Cruises, 725 S. Byers Avenue.

Toby Keith's I Love This Bar & Grill, 310 Johnny Bench Drive.

Get Your Kicks On Route 66

For all of our Road Warriors, it doesn't get any better than the historic Route 66 Highway. If you find yourself with some free time, you could take a drive along historical Route 66 which travels across the entire state of Oklahoma and through Oklahoma City. Route 66 has three (3) museums dedicated to providing you with a plethora of information on the road that has been the heart and soul of many events, songs, and novels over the decades. The museums are: The National Route 66 Museum in Elk City, Oklahoma; Oklahoma's Route 66 Museum in Clinton Oklahoma; and The Route 66 Interpretive Center in Chandler, Oklahoma. Route 66 is replete with historical landmarks, red canyons, green hills, prairies and the some of the most beautiful landscape that the eye can behold.

Karl Jahnke / Oklahoma assisted with the preparation of this article.

UI History in Bas-Relief continued from page 4

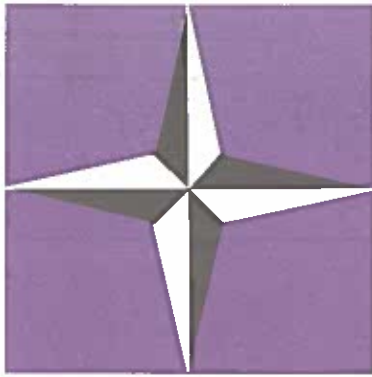
The next segment will discuss the evolution of UI eligibility in states.

"Long before the economic blight of the depression descended on the Nation, millions of our people were living in wastelands of want and fear. Men and women too old and infirm to work either depended on those who had but little to share, or spent their remaining years within the walls of a poorhouse . . . The Social Security Act offers to all our citizens a workable and working method of meeting urgent present needs and of forestalling future need . . ." -- President Franklin Roosevelt August 14, 1938, Radio address on the third anniversary of the Social Security Act.

"...The passage of the Social Security Act in 1935 created a lifeline for workers who lose jobs through no fault of their own. The Unemployment Insurance program has been there to help these individuals bridge the gap between layoffs and re-employment...Today, as we face the most serious economic situation since that time, we are reminded of the continued importance of the assistance made available through this federal-state program. Beyond the benefit to individual workers, Unemployment Insurance provides an important boost to the nation's economy. Unemployment Insurance recipients spend their benefits on food, fuel, utility bills and other necessities. Every dollar that goes into the program results in \$1.60 in economic output. When consumers lose jobs and cannot spend, businesses suffer. Unemployment Insurance softens the economic blow of layoffs by allowing workers to spend money in their local economies...." Secretary of Labor Hilda L. Solis August 11, 2010 statement on the 75th anniversary of the Unemployment Insurance program

Sources:

- U.S. Department of Labor
- Three Years' Progress toward Social Security, 1935-1938, Social Security Board
- Chicago Historical Society
- Unemployment Compensation What and Why?, Social Security Board, 1937
- Social Security Administration, history; www.ssa.gov/history



Fall 2010

NAUIAB Navigator

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Charting a Course in UI Appeals

A Newsletter of the National Association of Unemployment Insurance Appellate Boards

SAVE THE DATE

**2011 Annual Training
Conference**

Oklahoma City

July 10 - July 15

www.travelok.com

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