

Y'all Come!

By Kathryn Stokes - Mississippi
Communications
Public Relations Manager

Submitted by Dustin Adams / Mississippi

Well, the NAUIAB conference is coming to Oxford, Mississippi, now what? You've seen the video of downtown Oxford and the Ole Miss campus. You've heard Governor Haley Barbour welcome you to the state. But what can you do once you're here, besides learn a lot at the NAUIAB conference?

Having been born in this state, but growing up in a different state, I was not sure what there was to do here after I moved back. I was pleasantly surprised at the quantity and quality of leisure opportunities provided in the Feels Like Coming Home state.

Anyone who calls themselves a fan of the Blues, must add Mississippi to their list of places to visit. In 2003, the state established the Mississippi Blues Commission, which has created the Mississippi Blues Trail. Once completed, the Mississippi Blues Trail will consist of 120 historical markers and interpretive sites throughout the state. There will be a Mississippi Blues Trail marker dedication on June 6, in Leland, Mississippi, commemorating Johnnie Winter. Anyone interested in coming to Mississippi early should check it out. Leland is about 2 ½ hours from Oxford in the Mississippi Delta.

Also in the Delta, are the Highway 61 Blues Museum in Leland, the Delta Blues Museum in Clarksdale and the B. B. King Museum & Delta Interpretive Center in Indianola.

Let's say music is not your thing. Maybe you love the electronic sounds of bells, buzzers and alarms accompanying flashing lights and the tinkling of coins rushing from slot machines. Mississippi is home to a number of casinos where you can satisfy your gambling inclinations.

If being pampered is more to your liking, the casinos offer day spas where you can relax and let the hours slip by. Or, you can try the spa at the Alluvian Hotel. The Alluvian Hotel, in historic Greenwood, Mississippi, has been listed as one of the Top 100 Hotels in the U.S. by Conde Nast Traveler Reader's Choice Awards and made the Conde Nast Traveler Gold List in 2008 and 2009. Be sure to check out the schedule for the Viking Cooking School located next to the Alluvian.

Food is a huge part of Mississippi culture, and any part of the state offers many opportunities to sample local fare. It's been said that Southerners will fry anything. I'm not sure that's true, but I never ate a deep fried dill pickle until I moved back to Mississippi in the 1980's. They go great with fried catfish.

Mississippi also offers numerous outdoor activities for those who want to work off the scrumptious Southern fare. The state sports several top-rated golf courses in addition to more strenuous activities, such as hiking and biking. The 444-mile Natchez Trace Parkway, is an ancient trail used by animals and people that runs from Natchez, Mississippi to Nashville, Tennessee. There are campsites, horseback riding, as well as the scenic drive with so many historical markers that it takes more than a day to see all the ones in Mississippi alone. It took me a whole day just to see all the markers from Jackson to Natchez, which covers less than half the Trace through the state. The National Parks Service works with locals to sponsor special events along the Trace. On June 13, Dulcimer Day will be celebrated at Milepost 266, near Tupelo, which is less than an hour from Oxford.

What is there to do in Mississippi? LOTS! I have just scratched the surface on the plethora of activities available for visitors to this state. So, come early or stay late, and enjoy any number of the great sites, sounds, tastes and pleasures the state has to offer.



Foot bridge on the Natchez Trace Parkway ancient trail
www.scenictrace.com

President's Column

Marcella Riley / West Virginia



"Spring being a tough act to follow, God created June." Al Berntein

The best part about June is when we all come together to attend our NAUIAB conference! Every year we promote the upcoming conference as being the best ever - and somehow it always is! I promise, this year is no exception. We encourage you to come to Oxford, Mississippi, June 7-11, 2009. Our friends from Mississippi have put together a fantastic conference package. Check out the details at our website, nauiab.org.

Membership attendance at our annual conference holds us together as an Association. For 29 years now, NAUIAB has grown and made significant contributions to our members and state agencies. Let's assure that this year will be no exception. I look forward to seeing my old friends and welcoming some new ones, very soon in Oxford!

We need to remind our members of some recent changes. NAUIAB now accepts credit card payments for conference registration fees. If interested, please e-mail me at mriley@workforcewv.org and request an e-mail invoice. This is a quick and secure way to pay the \$425 conference registration fee with a credit card through our Paypal account. If you are paying by credit card, please make a note of this on your registration form.

We are also pleased to announce that several states are taking advantage of our State membership. This is a new and easier way for States to offer NAUIAB membership to all their appeals professionals. We offer the following three-tier payment structure (depending on the number of appeals professionals enrolled):

- \$500 to enroll one to twenty-five members;
- \$1,000 to enroll twenty-six to seventy-five members;
- \$1,500 to enroll seventy-six plus members

If your State is participating in the State membership program, please make a note of this on your conference registration form. It is not necessary to pay the \$50 yearly individual membership fee for a person covered by State membership.

Let me give one last pitch for packing your bags and traveling to Oxford. Our friends from Mississippi are offering one of the most unique extra-curricular events ever offered at a NAUIAB conference! On Wednesday evening, the Elvis fans in our group can travel up to Memphis, Tennessee, and enjoy a private tour and dinner at Graceland. I'm excited because experiencing Graceland is on my "bucket list" of things to do. This is an optional event and we must have at least 50 people commit before scheduling this tour. Please contact dlurner@mdes.ms.gov immediately if interested. The cost is \$90 which includes the private tour, dinner and transportation.

"If life was fair, Elvis would be alive and all the impersonators would be dead."

Johnny Carson

For part issues of the **Navigator**
VISIT www.nauiab.org

I Want to Live in Mississippi

By Dustin Adams / Mississippi

I was born and for the most part raised in South Dakota, with a brief stint from the age of 3 to 7 in Kentucky. I had traveled a fair amount, but never really lived anywhere else. So, after finishing undergraduate school in South Dakota, I was ready to venture out to live elsewhere.

My soon to be wife had spent her whole life in South Dakota, never having gone further West than the Missouri River in South Dakota, no further East than Minneapolis - St. Paul, no further North than Fargo, North Dakota, and no further South than Vermillion, South Dakota when I met her. Shortly after we began dating, she did take a trip to Florida. She too was ready to try life outside of South Dakota. Soon we settled on my attending law school in Dayton, Ohio where we moved right after our honeymoon in July 1993.

We enjoyed our 3 years in Ohio and planned to settle there, until we had my first son Alex, during the last semester of my law school career. Norene became homesick and desired to raise our child near our families. I agreed South Dakota was a good place to grow up and we returned.

After experimenting with a variety of career possibilities, including a 6 month stint as a Public Defender, I ended up at the South Dakota Department of Labor in 1998. I enjoyed my work as an Administrative Law Judge concentrating in unemployment insurance with cross training in worker's comp, and additional duties as a mediator and department attorney. I thought that I was going to work in that position until retirement. I had no reason to believe much would change as it seems little ever does in South Dakota. However, a new administration led to changes that prompted me to begin to look elsewhere for employment. Luckily, I was still employed while looking for other work. Also, luckily for me, my wife was more traveled now and was supportive of me looking elsewhere to live and work.

In June 2006, I went to the NAUIAB Conference where an old friend to all of us, Allan Toubman, introduced me to 4 individuals, Lynn Fitch, John Garrett, Ray Therrel, and Gan Nelson from Mississippi. I already had 2 friends from Mississippi, Gary Nelson and Cindy Gill. I had met these 2 ALJs at the National Judicial College in Reno in 2001, and I had kept in contact with them over the years. All 6 of these individuals seemed to represent the State well.

Shortly after meeting my 4 new friends from Mississippi, I discovered that Mississippi's Chief of Appeals was retiring and the position would soon be open. When I returned to South Dakota, I contacted Gary to ask if he or Cindy would be applying, and when I discovered they were not, I threw my name in the hat and applied.

After the interview process, I was fortunate enough to be offered the position and I accepted. In September 2006,

I came down for a week to check out the area and find a place to move my family. I found, what I already pretty much knew, that the people are wonderful and are a major asset and selling point for the State. I also found much more, and my family and I have had a great 2 and ½ years here to date. Moving 3 children, a dog, a fish, a truck load of belongings, a car, and a van, over 1300 miles in a relatively short time, has definitely been a good choice for us.

However, when I first began telling family and friends that we were moving to Mississippi, most would ask why do you want to move there? I'd simply say warmer weather, nice people, and a good job for starters. Several brought up "Mississippi Burning", and I had to advise them that was nearly 40 years ago, things change. My Grandfather simply said, "You got to do what you got to do." So we did it. We finished most of the major remodeling on the house as we packed up a 26 foot truck, the station-wagon on the trailer behind it, and what space was available in our Grand-Caravan and prepared to hit the road.

It was October 2006, and already snowing when we left out from South Dakota. The journey south was like driving backward through the seasons. We went through less and less snow, into more and more fall foliage. We entered Arkansas, Tennessee, and Northern Mississippi, where Norene and the kids saw cotton being harvested for the first time. It was the start of the fall foliage in these areas. By the time we hit Jackson, it was in the 70's, most things were still green, and there were still flowers. We skipped summer and went backwards from fall to spring, but it certainly seemed like we had seen 3 of the 4 seasons on this trip. When we got to the apartment complex; right away my kids wanted to go swimming, and you know we got some crazy looks at first when the kids jumped in the pool!

Ray and John came over and helped us unpack. They helped us move two more times after that, into a rental house, and then into a house we purchased a year ago now. We have made many new friends and seen a great deal of history and culture as we are still discovering our new home. There are so many unpublicized things to see and do, yes in Mississippi. I've also put on over 30 pounds from the food. We have relatives come and visit, and when they leave, they have a whole new view on Mississippi. My in-laws are planning their next trip back even as I write this article.

I hope all of you that come in June will be made to feel as welcome as we have. I hope you all will enjoy a place rich in culture and history. Mississippi is truly one of the best kept secrets in the country, where I truly believe there is something for everyone. You can travel from the flat lands

[Mississippi continues on page 2](#)

Conferences are Well Worth the Cost

Andrea K.Thompson

Andrea is an experienced Maryland Hearing Examiner. She attends the NAUIAB training conferences "on her own dime" because of the educational and training value.

I attended my first NAUIAB conference when it was held in my home state, Maryland. I was surprised by the number of participants from throughout the country. As a member of the lower appeals division, I was uncertain whether I would fit in and be welcomed at the event. My concerns were immediately dispelled and lifted on day one. The members expressed a willingness to engage in meaningful discussions on various subjects regarding the UI world. I learned more about my job and the inner workings of appeals boards nationwide than I expected. At the end of the week (when the results of the conference location vote was announced) I learned that the next conference was being held in Phoenix, Arizona. I couldn't wait to attend!

I gathered my resources and registered. I can honestly say the conference was worth the wait. First of all, the conference was held at a beautiful resort with excellent accommodations. Once again, the NAUIAB members were outgoing, friendly and interesting. The daily agenda included courses and subject matters designed to both educate and empower members to take a more active role in delivering U.I. services to the public.

Each day began with large group presentations, followed by smaller sessions on specialized areas of U.I. law. I was particularly struck by the differences in the state laws regarding handling voluntary quit and/or discharge issues. On many occasions the discussions had not concluded at the time the session ended. However, the topical conversations continued afterwards, even at the various social activities. If you have the opportunity, I recommend attending future conferences.

Notice: Election of Board of Governors Set for Oxford

The NAUIAB Board of Governors held its spring meeting in Charleston, South Carolina, in March 2009. At this meeting, the Board approved and now proposes the following slate of officers for the 2009-2010 term, to be considered and voted upon by the NAUIAB membership at the general membership meeting at the Oxford, Mississippi, Conference held from June 7 - 11, 2009.

Dorothy Johnson (FL) - President-Elect

John Garrett (MS) - First VP

Craig Gustafon (MN) - Second VP

Karl Jahnke (OK) - Secretary

Alice Mitchell (GA) - Treasurer

At-Large Members:

Mike Miller (UT)

Stephen Wilson (IL)

Michael Milwee (DC)

Clay Mitchell (MD)

Lynda McDaniel (TN)

PROXY FORM

The Notice of Annual Membership Meeting and Proxy Statement are available on the website at www.nauiab.org. If you are unable to attend the annual meeting in Oxford, you may cast your vote on the proposed slate by proxy. To be eligible to vote, you must be an active voting member of NAUIAB and current in payment of annual dues as of June 11, 2009. Instructions for timely submitting your completed proxy form are posted on the website.

Oxford Conference Agenda

By Peter Lansdowne / Arizona

Oxford beckons you with Southern grits, Faulkner and Ole Miss. But that is just the beginning! You will be treated to an agenda that is at once engaging, challenging and inspirational.

Continuing the tradition of triennial conference sponsorship, DOL will once again play a major role. Against a backdrop of the historic economic stimulus legislation recently passed by Congress, our DOL friends will provide the federal perspective on a variety of unemployment insurance matters. Topics include a history of UI, SUTA dumping, federal conformity issues, and appeals quality reviews.

Are you trying to develop a strategy for training all those new hearing officers you just hired? The return of the Certified Appeals Professional (CAP) program provides the perfect opportunity to provide your new staff with needed tools as well as to hone your own skills and knowledge. Allan Toubman and Tim McArdle will bring their academic flair to topics such as ethics and the internet, evidentiary standards for agency documents and credibility review by the higher authority.

Our Mississippi hosts have done an excellent job of recruiting top notch speakers from the private bar, the law school and the Mississippi bench who will be presenting on topics ranging from judicial review of administrative hearings to the ADA. There will even be an address from Mississippi Supreme Court Justice James E. Graves, Jr.

And we have not forgotten your support staff. A slate of topics of particular interest to them will include Mississippi's paperless process, receiving appeals in an electronic world, and successful caseload management practices.

The Oxford conference truly promises a cornucopia of information that will enhance your understanding of UI appeals and provide innovative ideas about how to provide a high quality, accessible appeals process, even in these troubled times.



Mississippi Governor Haley Barbour Appoints Lynn Fitch to Top Position at the State Personnel Board

Gov. Haley Barbour appointed Lynn Fitch as executive director of the State Personnel Board, effective March 1. Lynn was deputy executive director of external affairs and support services of the Mississippi Department of Employment Security since 2007. She previously served as chairwoman of the Board of Review at MDES for four years.

While at MDES, Lynn improved professionalism and efficiency at the agency by training the appeals judges as administrative law judges. She also automated the appeals process, allowing Mississippi to become a paperless system cutting the Board of Review meeting time by half.

Lynn is on the NAUIAB Board of Governors and has spearheaded the 2009 Oxford Mississippi NAUIAB Annual Conference. Congratulations on your new position Lynn!

Insightful Humor

by Conny Franken/Indiana

Q: What's the difference between a good lawyer and a bad lawyer?

A: A bad lawyer can let a case drag out for several years. A good lawyer can make it last even longer.

FROM ACTUAL COURT RECORDS

Judge: Please begin

Counsel: Thank you. (to witness)

Miss, while you have, if you do have-you still-oh, you don't.

Judge. That was a great start ,
Counsel

A woman was being questioned in a court trial involving slander. "Please repeat the slanderous statements you heard, exactly as you heard them," instructed the lawyer.

The witness hesitated. "But they are unfit for any respectable person to hear," she protested.

"Then," said the attorney, "just whisper them to the judge."

The virtue of justice consists in moderation, as regulated by wisdom.

ARISTOTLE

A GOOD READ

Cynthia Thorton, California

NONFICTION

The Color of Water: A Black Man's Tribute to his White Mother by James McBride: This was on the New York Times Best Seller list for over two years for good reason. It's a very easy to read story about a remarkable woman who grew up as a Jew in the South and married a black man. Once I heard that description, I had to read the book to find out how that could happen. I was not disappointed.

What is the What by Dave Eggers is also on the New York Times Best Seller list and is the memoir of a young man now living in the United States which details his escape from his beloved native Sudan. It's well told and literary. The author is a compelling and sympathetic person.

Why People Believe Weird Things by Michael Shermer (who is president of the Skeptics Society). This is a fascinating look at some of society's oddest beliefs (like aliens and ESP) and why we buy into them. While I don't agree with everything in the book, it is well presented and gives a lot of food for thought.

The Last Lecture by Randy Pausch. This book was written by a young college professor with a fatal disease who recognized that he would not be around to guide his kids as they got older. In this book, he tries to impart the lessons he would have told his kids. Short, easy read, heartwarming.

FICTION

The Pillars of the Earth by Ken Follett. This is about the building of the Salisbury cathedral. Sounds boring, and it's a really long book, but it was really entertaining. Lots of murder, intrigue, violence and sex. A page turner.

The Notebook, The Wedding (my two favorites), The Rescue, Message in a Bottle, A Bend in the Road, all by Nicholas Sparks. I would say that Nicholas Sparks is the premiere romance writer of our time. The first two books listed are my favorites. They are all love stories (told by a guy) and are all really sweet. He wrote another book I really liked that was different: Three Weeks With My Brother. This told a little about his child hood and chronicled the three week trip the two of them took together.

Shop Talk

By Clayton Mitchell / Maryland

Jim Hilly - A NAUIAB Friend Who Will Be Missed

It is with great regret that I must report that James "Jim" Hilly was not reappointed to the Maine Unemployment Service Commission. Jim has been a member of NAUIAB for many years, has served on the NAUIAB Board of Governors and has chaired its website committee. His efforts to the organization have been invaluable and his contributions have been many. Please join me in wishing Jim all the best in the future. We thank you Jim!

President Obama Taps Maryland Labor Secretary for Key Position

Maryland Department of Labor, Licensing and Regulation's Secretary Thomas Perez has been nominated by President Obama to head up the Department of Justice's Civil Rights Division. He will be rejoining the agency where he worked as a federal prosecutor in the 1990s. He has been Maryland's DLLR Secretary since March 2007.

NAUIAB Website News Email

Please email to me any of your state's unemployment insurance press releases or other news regarding your appeals unit to be included in the next Navigator publication. My email address is cmitchell@dllr.state.md.us. For back issues of the Navigator, as well as a host of other valuable information, check out www.nauiab.org.

Student Lawyers Provided Representation and Improve the Quality of Higher Authority Hearings

By Clayton Mitchell / Maryland

Since the Fall of 2008, the Maryland Board of Appeals, in cooperation with the University of Baltimore School of Law, has developed a program that involves law students in the representation of claimants at the higher authority level of appeals. This program has proved to be successful for the students, the parties and the Board.

The students gain valuable "real world" experience preparing for and conducting contested cases. In many respects, the student lawyers are more prepared than many lawyers and hearing representatives that appear before the Board. The students spend hours on each file, researching legal issues, developing arguments and preparing witnesses. Their clients are well-served.

Many of the cases with which the student lawyers are involved concern difficult issues of fact or law and cases of first impression. While employers are usually well-represented at higher authority hearings, claimants for the most part "fend for themselves". The student lawyer's participation provides a thorough, professional and intelligent dimension to a hearing where all of the important

issues can be presented and argued; a dimension of quality that would be lacking but for their participation.

When our Board of Appeals desires to or needs to designate a case as precedent, it is paramount that the underlying record be thorough and well-argued. By involving student attorneys in these types of cases provides a balance to the adversarial process and tends to make a superior quality record upon which to base an important decision.

Claimants who would otherwise be "out-gunned" are provided with competent representation. It is a shame that there is a limit as to how many cases the student lawyers may take on in any one given semester.

I encourage other Boards to involve the student lawyer resources available at local law schools. I have found the UB law student program to be invaluable to providing a high quality hearing in cases of broad impact and precedent and improves that quality of the administrative hearing process.

[I Want to Live in Mississippi](#) continued from page 3

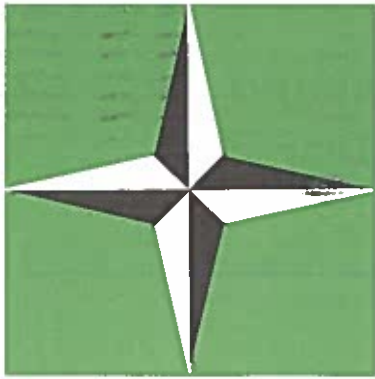
in the Delta to the foothills near Corinth to the Gulf Coast and see the variety in between. You can tour the birthplace of many a star musician, athlete, and actor. See the arguable homes of the Blues, Jazz, Rock and Roll, and Country Music (between Tennessee, Louisiana, and Mississippi- all within driving distance of one another). Visit numerous Civil War and Civil Rights sites. This is a land that has progressively evolved into a role model of integration, where we are all Americans and Mississippians regardless of our heritage. The people, the State's greatest asset, will make you feel right at home and when you figure in the land and history, I believe you, like me, will be ready to say "Congressman Rangel, I want to live in Mississippi".



Vicksburg National Military Park
www.vicksburgcvb.org



Black Prairie Blues Marker
www.msbluestrail.org



Summer 2009

NAUIAB Navigator

www.nauiab.org

Charting a Course in UI Appeals

A Newsletter of the National Association of Unemployment Insurance Appellate Boards

Save the dates of June 7-11, 2009

NAUIAB

Conference

Oxford, MS



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www.mstourism.com/index.cfm • www.msbluestrail.org/blues_trail



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DECISION ENTERED
MAY 11 2009
FEDERAL TRIBUNAL

Clayton Mitchell 2009
MAY 8
AUST. N. TX
Board of Appeals
Maryland Department of Labor
1100 N. Eutaw Street, Room 515
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