

“Raven” Reviews of Baltimore

by Alice S. Mitchell, Georgia

Yes, the results are in, the numbers have been crunched and the surveys are scored: NAUIAB's 2007 conference in Baltimore, Maryland was a "raven" success!

Our president, Donna Watts-Lamont, and her team did an outstanding job of hosting the conference and their gracious hospitality topped the charts! From the moment we arrived, someone from Maryland was there to help and this continued throughout the week. Every detail of the conference had been meticulously planned and arranged for the attendees, and it was obvious to all.....Touchdown Team!

Our attention was held by an exciting agenda which didn't let us down. From the USDOL presentation on Monday to the business meeting and plenary session on Thursday, there was something for everyone: higher authority, lower authority and all folks in between. Attendees always appreciate the USDOL's plenary session, "Recent Developments and Legal Issues", and this year's presentation was no different. Thanks to Jerry Hildebrand for his informative and insightful presentation. Beltway watchers: get ready for an election year. First and ten!

In addition to Mr. Hildebrand, there were several presentations by our federal partners: Stephanie Garcia from the national office walked us through the USDOL's new technology-based learning program and Mr. Pat O'Neal (from the regional office) and Ms. Betty Castillo (from the national office) taught us about DUA and disaster preparedness. Remember, DUA lower authority appeals are appealed directly to your USDOL regional office and not your higher authority. Illegal motion!

For the second time in NAUIAB history, the National Judicial College joined us in presenting a Certified Appeals Professional (CAP) course taught by NAUIAB members Allan Toubman and Tim McArdle. Topics included ethics, credibility and authentication of electronic evidence. There were some very lively and invigorating discussions during the sessions! Once again, Allan and Tim created an outstanding and informative program. Peyton and Eli, watch out!

Another highlight of the conference was the overwhelmingly popular presentation by our own Angela Bullard entitled "Snakes in the Hearing Room." By sharing many of her own "events" from the hearing room, Angela presented tools for all of us who find ourselves in similar circumstances. Rave reviews and requests for more of Angela's presentations in the future! Game goes to Overtime!

Raven Reviews continued on page 7



Members of our NAUIAB Family out enjoying the many sights and events during the 2007 Baltimore Annual Conference

President's Column

Donna Watts-Lamont, Maryland



Let me begin by first thanking my co-workers for all the hard work and time they devoted to the Baltimore conference. Without them hosting this year's conference would not have been possible. I knew when I made the commitment to NAUIAB to host the 2007 conference I had a loyal and devoted team at my back. (Thanks guys. You always make me look good). I also thank the Board of Governors, the Conference Agenda Committee and everyone that worked so hard to make the Baltimore conference a success. While our attendance was not as high as I had hoped, those that were able to attend were treated to an excellent agenda, a beautiful city and a good time. All of us that worked on the conference want you to know that it was our pleasure to have you attend the 27th annual NAUIAB conference and we hope you enjoyed the conference as much as they enjoyed putting it on. I hope to see all of you that were able to come to Baltimore in the beautiful state of Arizona next year. Hopefully, many of our members that were not able to attend this year will be able to participate in next year's conference.

In my President's Charge I asked each member in attendance to make a commitment to attend our 2008 conference in Arizona. I also asked them to do their best to encourage another individual to attend. That would double our attendance next year. I am now asking those that were not able to attend the Baltimore conference to make that same commitment. Attendance at our annual conferences is vital to the continued existence of our organization. NAUIAB is the only organization that is made up of and run by individuals that do the type of work that we do. There is no other conference that you can attend or organization that you can belong to that is solely focused on and devoted to the needs of individuals doing unemployment insurance appeals work.

Our budgets are, for the foreseeable future, going to continue to be tighter and tighter. As many of you well know one of the first things to be cut will be money for conference attendance and travel. I am asking, that if your state will no longer pay for you to attend our annual conference (or if they never have) that you consider making, if possible, attendance part of your personal budget. Our organization is only as strong as our commitment to it. For those that must earn CLE credits, I don't believe you can find a better bargain. Nowhere, other than at a NAUIAB conference, will you find an agenda dealing with the issues you face every day. Nowhere, other than at a NAUIAB conference, will you find the camaraderie that we share.

Several of our members have, for many years, attended our annual conferences at their own expense. Through the years, many Board members have not only attended the annual conferences at their own expense, but have attended the two Board of Governors meetings held each year, also at their own expense. Our organization is lucky to have such a committed membership. I thank them all for their years of devotion and loyalty to this organization. Now I'm asking others to do the same. Your Board of Governors, particularly Past-President Marilyn White and Committee Members are working hard to ensure that our 2008 annual conference is the best ever. Make your plans now to be there and support those that have worked hard for 27 years to ensure that NAUIAB continues to exist and be an effective resource for us all. See you in Arizona, hon.

Service Carries on Through Firestorms

by Tim McArdle, California

The California wildfire season got off to an ominously early start in June when the Angora fire in the South Lake Tahoe area destroyed numerous homes. Fortunately, that was the only fire to strike the northern part of the state so far this year. The south state, however, was not nearly so fortunate.

Southern California can be particularly susceptible to wildfires because of unique geographical circumstances that exist there. A high pressure system sometimes will form over the Great Basin area of Nevada and Utah while a low pressure system will form off the southern California coast. The winds move from Northeast to Southwest to fill the resulting vacuum. They pick up velocity and heat by compression as they move through the canyons of the mountain ranges that separate the interior desert areas from the coastal plains and valleys. These are the infamous Santa Ana winds that blow most commonly in the fall and early winter months. The hot, dry winds began blowing with a particular vengeance in mid October through an area that had seen record low rainfall during the preceding 18 months. With temperatures soaring to over 100 degrees, conditions were ripe for catastrophic wildfires.

The first fire broke out on about October 19 in the hills above the wealthy seaside enclave of Malibu. Another began a day later in the mountains that surround northern Los Angeles County's Santa Clarita Valley. In comparison to what was to come, these fires did relatively little damage. The really big fires broke out in San Diego County beginning on October 20. At one point, these fires surrounded San Diego on three sides and there was concern they would burn all the way to the ocean. Then, on October 22, fires broke out in the San Bernardino Mountains that rise sharply above the rapidly urbanizing plain east of Los Angeles known as the Inland Empire.

The impact of these fires was enormous. Although exact numbers are hard to come by, it is estimated that nearly 750,000 people were evacuated throughout southern California. In San Diego County alone, nearly half a million people were forced to abandon their homes. Altogether, 480,000 acres were burned and 1,575 homes were lost. The fires claimed 10 victims. These fires came on the heels of the fires that burned through the area in 2003. In San Diego County, those fires consumed over 2,400 homes and left 18 dead.

Five of the judges from our San Diego office were forced to evacuate their homes. These included NAUIAB Second Vice-President Cynthia Thornton. Cynthia and her family were forced out on Sunday, the 21st. Cynthia sent an email to the Board of Governors in which she described the fire in part as follows. "The Witch Creek fire is about three miles away from my home, but the winds have died down and it looks like we may be able to go home tonight (Wednesday, October 24). They lit back fires and now it looks like there are only a few hot spots near us. The inside of our house smells like smoke even though we changed the air conditioning filters and kept the house closed since Sunday. We have a huge clean up job ahead of us!.....The fire itself is impressive. My husband and I drive to a ridge about a mile north of our house to keep an eye on it. There you can see a fire line over a mile long. When it hits a house or trees, they go up like a torch. A lot of people are wearing face masks but that only keeps out the smoke particulates. A lot of other stuff is burning and the chemicals go straight through the mask and do the most damage."

The Witch Creek fire that Cynthia describes was the largest of the fires. It consumed 1,061 homes. Also evacuated was the Presiding ALJ, Harold Rucker. He was not able to return to his home until Friday evening.

Two judges were evacuated from our Inland Empire office including Kirk Garvin, the Presiding ALJ. They live at the 6700 foot level in the San Bernardino Mountains. They were not able to return home until October 31.

The impact on our operations was surprisingly light. Staff affected by the fires were given administrative time off. In the Inland Office, staff took 43 hours off while judges took 7.5 hours off. No calendars were cancelled in Inland and only 14 cases had to be reset because of the fires. Non appearances for the week of October 22 totaled 91. In San Diego, the staff took 46 hours of administrative leave while judges took 80 hours. Even most of the judges who had been evacuated, including Cynthia, reported to work and heard their cases. San Diego was forced to cancel one and half calendars and to reset 87 cases. Non appearances totaled 155 out of approximately 350 hearings that were set for that week.

It was notable that the office remained open during the week of the fires, particularly in view of the fact that the courts and all San Diego city and county offices and the schools were closed. As Cynthia described, there was a great deal of soot

NAUIAB LOSES A DEAR FRIEND AND SUPPORTER

by Donna Watts-Lamont, Maryland

NAUIAB has lost a dear friend and long time supporter. On Sunday, December 23, 2007, Jack Bright passed away while in the hospital. Since shortly after his retirement Jack had been battling health issues. Jack came through some recent surgery fine, but a week later lost his ongoing battle.

Jack was a constant attendee at the annual NAUIAB conferences. Jack attended the second NAUIAB conference that was held in Anaheim, California in 1981. Except for the 1984 conference he attended all future conferences until his retirement in 2006.

Jack's support of our organization was unwavering. Jack's efforts lead to the joint NAUIAB/USDOL conferences that continue to be held triennially. Through his efforts the USDOL has not only provided monetary support to NAUIAB, but has regularly supported our organization with attendees and speakers.

After graduating from law school in 1970, Jack joined the Missouri Division of Employment Security as an Appeals Referee. From July 1976 through December 1977 Jack served as an Assistant Chief of Appeals and was the Chief Appeals Referee from January 1978 through June, 1985. Following a year-long temporary assignment with USDOL Jack joined USDOL as a UI Program Specialist specializing in UI Appeals Administration. In all Jack gave thirty-six years of devoted service to UI Appeals. Jack and his wife, Velva, moved to Marietta, Georgia following his retirement.

We missed Jack at the 2007 NAUIAB conference. However we expected to see him at some conference in the future. Now, unfortunately, that will not happen and I for one am deeply saddened that I won't be seeing Jack's smile or hearing his laugh again.

Cards and letters can be sent to Velva at 3073 Applewood Drive, SW, Marietta, GA 30064.

No Time Like the Present...

by Ray Maccarone, RI

Before we know it 2010 will be upon us. This happens to be the 30th anniversary of NAUIAB. That's right.... 30 years will have passed, seems hard to believe.

Well, we need an annual conference host city for this event. In the past five years we have been to Newport, San Diego, this year at Baltimore, Scottsdale for 2008 and Oxford, Mississippi in 2009.

Hosting a conference is hard work, not many thanks but it is rewarding. You have the opportunity to work very closely with your committee members. Additionally, it gives you the opportunity to meet and greet the employer community as you reach out to that group and spread the word about NAUIAB.

Your agency must be in favor of the conference as their help, both with manpower and resources, will be key to the success of the conference.

Think it over. Ask around. If you need some advice contact Donna Watts-Lamont, Marilyn White or myself. Let's make "Thirty In 2010" a memorable event.

Notes and Information from the July 2007 NASWA UI Committee Meeting

Some of the highlights from Dale Zeigler, USDOL, include:

1. WIRED (Workforce Initiative in Regional Economic Development) is still a big issue at ETA. They are looking at Claimants as a "talent pool"; trying to get UI to be a bigger part of the planning; and looking at getting good and useful data on who the unemployed are, using Auto-Coder. There was also discussion as to how profiling or REAs (Re-Employment Assessment) fits into this concept.
2. In April 08 there will be an Integrity Conference in Salt Lake City, UT. DOL has established an Initiative on Improper Payments – OV's are increasing for unknown reasons.
3. The SIDES (Separation Information Data Exchange System) project is much closer to being ready for testing. They anticipate that this could create substantial savings in postage, printing, etc.
4. Concern was expressed that there is an apparent "disconnect" between UI and ETA. It was reported that ETA testified before Congress, stating that states receive sufficient funding to run their UI programs. States were encouraged to try to plug these gaps by opening communication. This may be more significant for Appeals.

NASWA President Ted Halley (SC) spoke on several topics. Among them were the selection of Direct Employers to take over for America's Job Bank as of July 1, 2007, and the creation of a national UI award. A committee is continuing to work on the criteria for that.

John Sharkey, from ITSC, reported on several projects which they will be working on over the coming year. Those decisions were made based upon a survey conducted among the states.

Many states reported staff reductions and other cost-saving measures. Several had received Reed Act money and many are using that for technology improvements. Some states reported very healthy trust funds; some have trust funds nearing insolvency. Almost all states have begun using debit cards and/or direct deposit in lieu of paper checks.

I have additional detailed notes from this meeting and am happy to share them with anyone. Just e-mail me at marilynwhite@azdes.gov and they are yours.



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Insightful Humor

by Conny Franken, Indian

In Memphis, TN, it is illegal for a woman to drive a car unless there is a man either running or walking in front of it waving a red flag to warn approaching motorists and pedestrians

Carlson was charged with stealing a Mercedes Benz, and after a long trial, the jury acquitted him. Later that day, Carlson came back to that judge who presided at the hearing. "Your honor," he said, "I wanna get out a warrant for that dirty lawyer of mine." "Why?" asked the judge. "He won your acquittal. What do you want him arrested for?" "Well, your honor," replied Carlson. "I didn't have the money to pay his fee, so he went and took the car I stole."

Two very rich people got a divorce, and their lawyers lived happily ever after.
MILTON BERLE

The California Supreme Court accepted the resignation of attorney Burke Buford after receiving a letter in which he admitted stealing money from his clients. Buford, however, did not learn of his own resignation until one month later when a friend called to ask him about it. It seems that after Buford's secretary stole \$268,000.00 from his client's trust accounts, she kept state bar investigators at bay as long as she could by intercepting their calls and turning them away at the office door. Eventually, the secretary told the bar that her boss was aware of the investigation and intended to resign. The resignation letter was then sent to the state bar. All of this happened without Buford's knowledge. EXPLAINING THE INEXPLICABLE: The Rodent's Guide to Lawyers.

Attorney: You don't know what it was, and you didn't know what it looked like, but can you describe it?

The Law is the true embodiment Of everything that's excellent. It has no kind of fault or flaw, And I, my Lords, embody the Law. W.S. Gilbert, IOLANTHE

One man's word is no man's word; we should quietly hear both sides. Johann Wolfgang von Goethe

But... it's a "dry heat"!

by Marilyn White, Arizona

Who's ready for some serious sunshine? Arizona has plenty of it and we are prepared to share it with NAUIAB. Planning is well underway for the June 8 through June 12, 2008 Scottsdale conference. There is a fabulous resort ready to take excellent care of us, an information-packed agenda, and some very special entertainment and events.

Working very closely with us, the Scottsdale Plaza Resort has designed and implemented a rewarding and pleasurable conference experience. The rooms are large and well-appointed. There are 5 pools, a great whirlpool, tennis and racquetball courts, a full-service salon and spa, three restaurants, a sports lounge, grand open space and comfortable meeting facilities. They have offered us an incredibly low room rate for before, during and after the conference. On average, the regular rate for a single room is \$300 and up - our rooms start at \$95 (or the prevailing government rate).

This resort is across the street from a great shopping center, two miles from Old Town Scottsdale, three miles from Fashion Square, and within ten miles of six or seven other major shopping/dining/entertainment venues. There are many excellent nearby golf courses some of which are lighted for night play. The resort's capable concierge staff will make arrangements for transportation to other points of interest. You will be 4 hours from Mexico, 4 hours from the Grand Canyon, 3 hours from Tombstone or Flagstaff, 6 hours from Las Vegas, and less than 2 hours from Jerome, Sedona or Prescott. You will be 30 minutes from several different casinos and (if you need more shopping) Carefree/Cave Creek. Although you can't make your reservation yet, you can "sneak a peek" at their website - scottsdaleplazaresort.com.

In addition, the resort has arranged to have a private area for our hospitality suite, complete with a swimming pool and patio. We also have some other fun events lined up for each evening. One of the special events is a Tropical Shirt Contest - so start shopping now!

All of this notwithstanding, the conference will offer an excellent opportunity for both Higher and Lower Authority UI Appeals training, for earning CLE credits, and for sharing information. The Agenda is shaping up to be one of the best we have ever had in terms of its substantial content and its variety of topics and speakers. Future columns will highlight additional agenda information.

NAUIAB is in a unique position as the provider of educational information specifically tailored to UI Appeals. Don't miss this opportunity to improve your skills, to network with your peers from across the country, to share best practices, to understand the "big picture" and to understand how you and your organization fit into it.



Photo courtesy Scottsdale Convention & Visitors Bureau

Raven Reviews *continued from page 1*

Other notable highlights on the agenda included attorney Wendy Mazzarella's interactive program on determining witness credibility, Van Braswell's excellent review of bias and diversity, Jay Arcellana's "assessment" of the federal quality standards and Bob Lorenzo's eye opening review of what can happen with Consent Decrees. Halftime Score: Attendees 21, Non-Attendees 0!

Our Tuesday night outing to the Baltimore Museum of Science and Industry was most enjoyable and included a sumptuous lobster feast and dancing under the stars. Again, Donna and her team were magnificent. A Super Bowl Halftime Show!

Sessions on constitutional issues, ethics, telecommuting, independent contractors, postponements and vendor presentations rounded out the week's activities and provided lots of information to take back to the office. Congratulations to our Agenda Chair and Day Leaders for creating an outstanding agenda. Number One Draft Choices: Cynthia Thornton, Mike Milwee, Dorothy Johnson, Lynn Fitch and Steve Wilson!

Each evening of the conference, shop talk, networking and friendly debates continued in the beautiful hospitality suite hosted by the Maryland team. Everyone agreed that NAUIAB and Maryland had a winner! Super Bowl Winner: Baltimore 2007!

Recruiting Advice: NAUIAB's 2008 Conference in Scottsdale Arizona is June 8-12, 2008! Grab a teammate and "go team go"!

Firestorms *continued from page 3*

and smoke in the air and traffic was at times gridlocked. The judges and staff were commended for their selfless efforts under very difficult circumstances.

Of course, many people were kept away from their jobs by the fires or had their places of employment destroyed. The State Workforce Agency has informed us they will be enforcing eligibility requirements, the fires notwithstanding. Thus, we expect to see an increase in availability related cases. Then, of course, there are the disaster unemployment assistance claims. The agency is projecting 5,275 DUA claims which, they estimate, would generate approximately 550 appeals. These numbers seem low to us. Nonetheless, we are gearing up to meet the workload that was increasing before the fires. Meanwhile, we await the winter rains and the end of another fire season.

Comparisons have been made between Hurricane Katrina and the wildfires, but I believe the comparisons are inapposite. Hurricanes, like earthquakes, can strike at the heart of population centers while wildfires usually strike at the periphery, and they destroy infrastructure in a way fires do not. For those affected by these disasters, however, they are equally tragic.

One Last Thing

At our recent conference in Baltimore, I neglected to mention one thing. At the last Board of Governor's meeting, we agreed to present a lifetime membership to our esteemed colleague and Past-President, Robert Lorenzo. As you probably know, Bob retired after more than 30 years with the State of New York. He devoted many years of dedicated service to NAUIAB, and will continue to do so. It is only fitting that we recognize his contributions by honoring him with a lifetime membership. I hope you will all join me in offering belated congratulations to Bob Lorenzo!

Marilyn White



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NAUIAB Navigator

www.nauiab.org

Charting a Course in UI Appeals

A Newsletter of the National Association of Unemployment Insurance Appellate Boards



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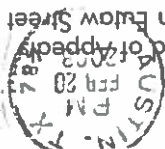
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