



Navigator

Spring 2015

Get Connected in 2015!

Are you ready for Washington, D.C.?!?

NAUIAP's 35th Annual Education and Training Conference will take place June 22-26 in Washington D.C. NAUIAP is partnering with USDOL to present a wonderful UI training opportunity. We hope to see representatives from each state in attendance, especially in light of [TEN 27-14](#), which provides federal funding up to \$2,000 to help cover travel costs and registration fees.

The conference hotel is The Embassy Row Hotel, which just completed a \$15 million renovation. The hotel has one of the city's only rooftop bar and terrace, which provides stunning views of Dupont Circle and Embassy Row.

The [agenda](#) is filled with phenomenal speakers, including many from USDOL, on topics such as Budgeting, Federal Funding, Evidence, Judicial Independence, and much, much more!!!

In addition to the impressive agenda, D.C. boasts countless attractions, many of which are free! Also, if you are interested in state membership, be sure to refer back to the first article in [NAUIAP's Winter 2015 Navigator](#) for details.

Whether you have traveled to D.C. previously or this is your first time, you are guaranteed to have an extraordinary time! Visit www.nauiap.org for updates and registration information. We look forward to seeing you in our nation's capital!





PRESIDENT'S COLUMN By Karl Jahnke, President, Oklahoma

CONNECTION ACCOMPLISHED

Welcome to Spring! For many of you it has been a long wait I know, but it has finally arrived and now is the time to thaw out, plant your gardens and plan for summer. For UI Appeals folk, Spring also means the NAUIAP Annual Training Conference is just around the

corner. This is the 35th anniversary of NAUIAP and the first year the conference has been held in Washington D.C. It is not the first year that NAUIAP and USDOL have partnered to host the annual training conference. I am happy we have managed to renew that partnership and I hope future Boards find the means to continue the renewal of the triennial partnership.

It is time now to make your travel plans beginning with [registration](#) for the conference. This year USDOL is contributing [financial support](#) to every state to help defray some costs of travel and registration. That support gives states an opportunity to send more people than in past years and hopefully will encourage states we have not seen recently to come and get reconnected with appeals colleagues from around the country and with USDOL partners from Regional and National offices.

Registration for the conference is \$495 and includes individual membership for those not covered by State Membership plans. Those covered by State Membership plans can register for only \$445. Register today at [NAUIAP.org](#). For more information about State Membership plans check out the comments from Past President Alice Mitchell in this newsletter.

NAUIAP agendas are always informative and filled with useful information for attendees to take home to their agencies. This year is no exception and may be even more impressive with impressive contribution by the USDOL. Agenda Chairs Erika Randmere (NH), Jayson Myers (NY), and their partner at

USDOL Corey Pitts have worked long and hard to put forward another great agenda. As always, those in need of CLE will find the agenda should provide around 20 hours at a great price in a great location.

On opening day we will hear from Gay Gilbert, Administrator, Office of Unemployment Insurance OUI; Joe Vitale from Information Technology Support Center ITSC; Suzanne Simonetta, Division Chief, Division of Legislation; and Naomi Barry-Perez, Director, Civil rights Center. The second day of the conference will be filled with workshops, and Regional breakouts giving you an opportunity to discuss issues with others in your Region and with your Regional Office USDOL representative. Thursday is another day filled with great presentations. Stephanie Garcia, Supervisor of State and Federal Programs at USDOL National office will discuss changes in the national Lower Authority Appeals Quality Review; Betty Castillo, Division Chief OUI will address Worker Misclassification; and Steve Massey, UIO Program Specialist will discuss Judiciary Independence of Lower Authority Appeals. Also on Thursday is another presentation by the most popular presenter from last year, Frank E. Brown, Chair Reemployment Assistance Appeals Commission from Florida on Rules of Evidence.

This is a great opportunity to connect with your Regional colleagues at the State and Federal levels and to hear from National Office representatives. I hope you take full advantage of the opportunity and I look forward to seeing old friends and meeting new attendees.

Finally, it has been an honor to serve as NAUIAP President this past year and I hope to continue to serve NAUIAP in this next year as Past President. Serving as a retiree, I will be pleased to help in any way the Board of Governors wishes.....if they can find me. See you in DC!

NATIONAL JUDICIAL COLLEGE SCHOLARSHIP OPPORTUNITY!!!

NAUIAP is proud to once again offer scholarships to The National Judicial College (NJC) in Reno, Nevada. The NJC has donated two scholarships that will be awarded during this year's training conference in Washington, DC. Both scholarships will cover one half the cost of tuition to attend one of NJC's many outstanding onsite and online courses. NJC has a long, superb history of providing education to administrative law judges. [Visit \[www.judges.org\]\(http://www.judges.org\)](#) for complete course information, dates, tuition fees, and accommodations.

The NAUIAP Board of Governor's Scholarship Committee will select the scholarship winners from the pool of applicants. Selection criteria include:

- Duration of work in unemployment insurance appeals
- Duration of NAUIAP membership
- Relevance of preferred course to NAUIAP objectives
- Quality of the required statement
- Commitment to attend course
- Preference for first-time NJC attendees

If you are interested in applying or nominating someone for a scholarship, email brad.collins@arkansas.gov for application materials.

A Brief Overview of How UI and Domestic Violence Intersect

By Suzanne Manning, ALJ, Indiana

A woman is fired because her ex-boyfriend repeatedly shows up at her place of employment, hangs out in the lobby, and causes problems for security. A woman takes off in the middle of the night, after escaping an assault from her boyfriend, and moves three hours away without giving any notice or reason to her employer. A woman is fired for no-call no-shows after her boyfriend breaks her cell phone and she locks herself in the bathroom to escape his physical abuse. A man is discharged for absences after he is ordered to have emergency custody of his children because his ex-wife was threatening to harm the children.

All of these cases involve domestic or family violence. All of the claimants were unemployed through no fault of their own. Yet, until just recently, the claimants would not be eligible for unemployment insurance benefits, in most circumstances, because their separation would be determined to be a voluntary quit for personal reasons or a discharge for attendance, a breach of duty, or an employer's rule violation.

According to the Department of Labor, the purpose of unemployment insurance is to provide unemployment insurance benefits to persons who are unemployed through no fault of their own as determined under state law. In 2009, the American Recovery & Reinvestment Act was made law. This act granted states additional federal revenue if unemployment insurance eligibility was extended to persons who separated for "compelling family reasons," including domestic violence. American Recovery & Reinvestment Act, Pub. L No. 111-5 (Division B, Title II, Sec. 2003).

Victims of domestic violence may be unemployed as a result of addressing the multitude of issues that occur because of the domestic violence. This may include housing, childcare, needing to seek medical care, court appearances for both civil and/or criminal proceedings, transportation, and needing to seek counseling for themselves or children.



Since 2009, thirty-three states have carved out exceptions to victims of domestic violence. "State Law Guide: Unemployment Insurance Benefits for Victims of Domestic & Sexual Violence." Legal momentum: The

Women's Legal Defense & Education Fund. July 2014. Web. March 27, 2015. Depending upon the state, a claimant may need to provide a police report, protective order, medical records, or a statement substantiated domestic violence from a counselor, shelter worker, clergy member, attorney, or health worker. Id. In most states, employers' accounts are not charged if a claimant receives unemployment insurance benefits under this exception. Id. There are some states that require the claimant to give notice

to the employer that the separation occurred due to domestic violence. Id. In most states, domestic violence may include family or household members, which greatly expands the circle of persons that may need to be addressed. This would include any familial relationship, a legal relationship such as a foster parent or guardian, and persons who create their own household through their actions.

Domestic and family violence affects all members of society. It occurs to people of all ages, race, gender, sexual orientation, and socioeconomic levels. Domestic and family violence affects victims in the workplace through attendance issues, discrimination/harassment, and ultimately job loss. Domestic violence has a negative affect upon business also. It causes an estimated loss of productivity of \$727.8 million per year according to the Centers for Disease Control. Jacobs, Lisalyn R. "Domestic & Sexual Violence in the Workplace." Legal momentum: The Women's Legal Defense & Education Fund. 13 February 2014. Web. March 27, 2015. Domestic violence also raises safety concerns for employers.

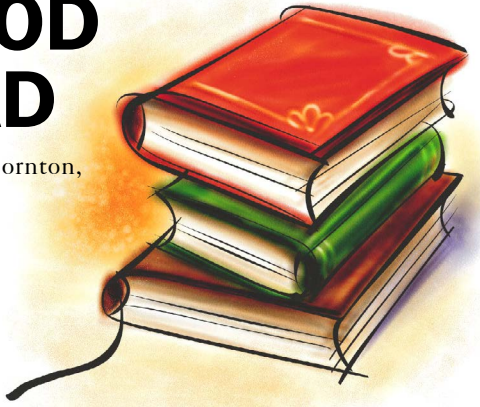


Last year, domestic violence took a front and center role in the media spotlight as the NFL dealt with the very publicized and shocking video of Ray Rice and his then fiancé involved in a domestic violence incident inside an elevator. This was followed with the criminal charges filed against Adrian Peterson stemming from injuries to his son after disciplining him with a tree branch or "switch". There were numerous media comments regarding the NFL's reaction to both incidents and whether or not the NFL's reaction was appropriate. While the NFL is not the typical employer in unemployment insurance appeals hearing, these incidents show the difficulties that employers face when addressing domestic and family violence.

I have conducted domestic violence hearings since 2010. My state requires claimants to provide documentation to substantiate the domestic or family violence. It is my experience that many claimants testify to domestic and family violence but are unable to substantiate it because they have not contacted law enforcement; they have not sought a protective order; and they have not sought counseling from a domestic violence service provider. It is difficult to hear testimony on these issues. However, I conduct these hearings to fulfill the underlying purpose of unemployment insurance – to provide benefits to persons who are unemployed through no fault of their own.

A GOOD READ

By Cynthia Thornton,
California



Cave and Cosmos: Shamanic Encounters with Another Reality by Michael Harner. The author was a professor of anthropology at UC Berkeley and writes about the similarities and differences of Shamanism between cultures all over the planet. The work is fascinating for the similarities between practices in Siberia and South America.

Proof of Heaven: A Neurosurgeon's Journey into the Afterlife by Eban Alexander III M.D. While I was not crazy about the title (the book proves nothing except Dr. Alexander's personal experience), I nonetheless loved this very quick read which is the fascinating story of the near death experience of the author who as a neurosurgeon is able to correlate what he experienced with his brain scans at the same time. I found the story particularly fascinating when compared with the experiences of some of the shamans described in *Cave and Cosmos* (above).

The Shoemaker's Wife by Adriana Trigiani. This book reputedly took over twenty years to write and is based on a family story. It is a multigenerational love story that takes place in Europe and

the U.S., spans two World Wars, and centers around the quest of two star-crossed lovers to find each other again. This is a well written romantic book. The pages flew by.

Reconstructing Amelia: A Novel by Kimberly McCreight. Based on the first few pages (which included text messages), I was sure I would hate this novel. I was wrong. It is a solid mystery and deals well with the emotional upheaval created by the tragedy at the book's beginning. It is a first novel by the author and includes some first novel failings (a little melodrama), but is well written, engaging and fun to read.

Americanah by Chimamanda Ngozi Adiche. This is one of the better discussions of race I've read. It's a novel where the main character, Ifemelu, is a Nigerian immigrant to the United States. Once here, she has keen observations of the complex racial relations in the United States from the perspective of a "Non-American Black." Adiche is a sharp observer of culture and her insights were both thoughtful and original. I'm a sucker for well written books and this author definitely knows how to turn a phrase. My big criticism of this book is the ending – no spoilers in these reviews so contact me for details!

Beautiful Ruins by Jess Walter. This is a sweet novel taking place in both Italy and the United States from the fifties to the present and is populated by artists. It is romantic in the sense that it presents a wide panorama of life and the characters are philosophical about their small place in that great world. The character development is intricate, full and whimsical. If you have even a small romantic bone in your body, this is the sort of book that puts words in an order you will want to memorize. The descriptions of the Italian coast alone are worth the price of admission. This story tells what happens to people after the story ends.

A GOOD LISTEN TOO

Karl Jahnke, Oklahoma

Plan now for your own *5 O'Clock World* in DC. https://www.youtube.com/watch?v=GQ9Nm_c3GVY

What Work Is by Phillip Levine 1928-2015. <https://www.youtube.com/watch?v=NxJVgAJB6As>



Corey Pitts
US Department of Labor
Washington, DC

Greetings from the US Department of Labor’s Office of Unemployment Insurance (UI) in Washington, DC! My name is Corey Pitts and I have the privilege of overseeing the UI Appeals program for the nation. I am very excited about renewing the Department’s long-standing partnership with the National Association of Unemployment Insurance Appellate Professionals (NAUIAP) and look forward to working with states and organizations, such as NAUIAP to improve, innovate and preserve the UI program for future generations.

The first national peer review was held in the summer of 1997. For this review, states were asked to submit a subsample of cases from two quarters (quarters ending September 30, 1996 and December 31, 1996). The majority, if not all of the hearings were stored on tapes and all scoring was paper based. Subsequent national reviews followed this model until 2011 when states were required to submit a subsample of cases from the quarter ending the calendar year. Since 2011, each review has been slightly reinforced to accommodate the various technological advances that states have made along the way, including electronic scoring. Nowadays, most hearings are recorded and stored using recording software and several states image their documents and store them in data warehouses. What’s in store for the future of Appeals? Well, the Department along with several states has been in the process of updating ET Handbook 382, as well as reengineering the format of the national review in consideration of diminishing institutional knowledge and financial resources. I look forward to sharing future announcements about several exciting products and activities associated with the Appeals reengineering.

ANNUAL APPEALS REVIEW A NEW

The Department’s responsibility for the oversight of the quality of states’ UI appellate processes is grounded in the Social Security Act. Each year the Department hosts a national peer review, known as the Annual Appeals Review (AAR), to review subsample cases that states have already evaluated. Each case is evaluated against the thirty-one criteria contained in ET Handbook 382, Handbook for Measuring Unemployment Insurance Lower Authority Appeals Quality, and the quality of each state’s Notice of Hearing and information about further appeal rights is assessed. Since the AARs inception in the mid-1990s, changes have occurred to enhance the process and more changes are underway.

My motto is much like that of Charlie Batch’s and that is, “Proper Preparation Prevents Poor Performance.” I believe that if we, as a team, strive to properly prepare our appellate professionals by continuously educating, sharing best practicing and assuring due process in all aspects of the appellate reviews, we can prevent or lessen the chances of poor performance. We all share a passion for the UI program overall and its mission to have a meaningful impact on the unemployed and the economy. As always, I seek opportunities for endeavors that will render improvements to the UI appellate process, and ultimately afford all appellate professionals continuous growth and development.

NOTICE ELECTION OF BOARD OF GOVERNORS SET FOR WASHINGTON, D.C.

The NAUIAP Board of Governors proposes the following slate of officers for the 2015-2016 term. The slate will be considered and voted upon by the NAUIAP membership at the general membership meeting at the Washington, D.C. Training Conference to be held from June 22nd to June 26th, 2015. Kathryn Todd (OH) was elected to serve as President for the 2015-2016 term at the 2014 meeting held in Charleston, SC. Karl Jahnke (OK) will remain on the board for one year as the Past President.

Officers:

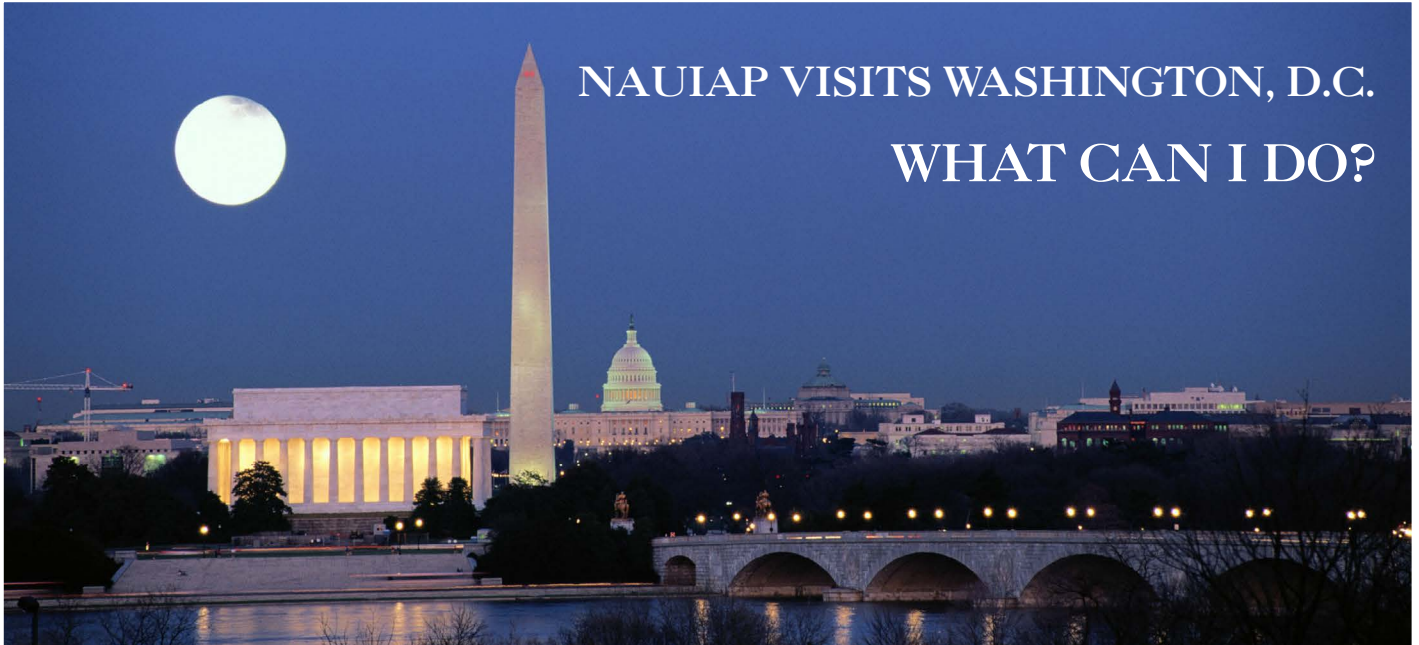
- President Elect - Erika Randmere (NH)
- First Vice President - Tim Dangerfield (SC)
- Second Vice-President-Sabrina Rahn (IN)
- Secretary - Brad Collins (AR)
- Treasurer - Dan Doherty (MD)

At-Large Members:

- Jayson Myers (NY)
- Cheri Ruch (ID)
- Amanda Hunter (FL)
- Pam Taguchi (HI)

PROXY VOTING

The Constitution and Bylaws of NAUIAP are available on the website at www.nauiap.org. If you are unable to attend the annual meeting in Washington, D.C., you may cast your vote on the proposed slate by proxy. To be eligible to vote, you must be an active member of NAUIAP and current in payment of all annual dues as of June 21, 2015. Please submit your vote via the NAUIAP website to the website administrator under the “Contact” heading.



NAUIAP VISITS WASHINGTON, D.C. WHAT CAN I DO?

In Washington, DC, you'll enjoy access to fascinating, FREE attractions and historic sights. Touch a moon rock, marvel at the Hope Diamond, view Dorothy's Ruby Red slippers or explore Native American culture at the Smithsonian Institution's fifteen Washington, DC area facilities. Discover treasures like the Gutenberg Bible at the Library of Congress, the only da Vinci painting in North America at the National Gallery of Art and historic documents like the Declaration of Independence at the National Archives. These are only a few of the available sights I have found as I explored opportunities for the NAUIAP evenings in DC.

In addition to the celebrated federal sites, I found out DC has a fascinating network of neighborhoods filled with trendy boutiques, hip bars and restaurants, plus art galleries, other museums, historic homes and lush parks and gardens. You should start your exploration with Dupont Circle where the city's international character shines through with eclectic dining and nightlife and the historic center of the city's embassy community. [Dupont Circle](#) is only steps away from our hotel. Additionally, shoppers will find store-lined streets in Georgetown, while jazz music fans won't want to miss a trip to U Street, where Duke Ellington played his first notes.

The arrival of several new eateries has made the nation's capital a prime destination for dining out, with many of the city's top tables located in the downtown Penn Quarter neighborhood. DC is also earning new recognition as a thriving performing arts town, with 65 professional theatre companies based in the metropolitan area presenting edgy world premieres and celebrated Broadway musicals throughout the year.

Thanks to DC's pedestrian-friendly streets and its safe, efficient public transportation system—including Metrorail and the new Circulator bus—it's easy to get from your hotel to Washington, DC's attractions, restaurants, shopping and more.

For more information and lots of suggestions visit Washington's tourism site, which contains a list of [100 free or almost free things to do in DC](#). For a look at specifics on what is going on in DC

while we are there along with updates on restaurants and shopping, check out the [Washington Visitor's Guide](#).

The Board of Governors did find a few items including tours and activities we thought would be of special interest to our members. Although there will not be a scheduled dinner or outing this year, we offer the following evening suggestions.

On Monday night we have the opening reception, with dinner on your own. For dinner considerations, be sure to look at information from the Tourism Bureaus' [Show Your Badge](#) program for great offers in local restaurants, discounts at museums and other sites, and other special offers. This web site is continually updated so be sure to check just before you arrive or while you are in DC making plans for you or your family.

For deals and up to date information on restaurants you also may want to check out [DC Cool](#).

On Tuesday night we have found a monument by moonlight trolley tour for those who register by May 20th. You may pay for tickets online when you register for the conference if you want to tour with our group or you can simply find a tour online (there are several) and register on your own.

Our tour will begin at Union Station. Transportation to get there will be on your own. [The Moonlight Monument Tour](#) is a 2.5 to 3 hours tour on an old-fashioned trolley with expert narration as you admire illuminated monuments and memorials, the Capitol Building, the White House and Georgetown. The tour stops at the FDR Memorial, the Lincoln Memorial, the Vietnam Memorial, the Korean War Memorial, and the Iwo Jima Memorial. Join the professional tour guides for entertaining anecdotes and historical information along with a sprinkling of ghost stories about the spirits who haunt the Nation's capital.

If you are not interested in a night time tour or are looking for something shorter, several companies offer hop on hop off tickets

WHAT CAN I DO? Continued

for all day bus tours which can also be purchased on-line or when you arrive. These sound like a great way to have transportation and a city tour at the same time.

For general transportation information, [click here](#). Transportation is also available on the [Metro](#) and the [DC Circulator](#), which covers much of the city and costs only \$1.

On Wednesday Night we are offering a great opportunity to see a live show at the Kennedy Center. Some of our members have previously attended the show and recommend it highly. According to the show's web page, the comedy-whodunit takes place in the "Shear Madness" hairstyling salon and is chock full of up-to-the-minute spontaneous humour. It sounds like it will provide our group of judges the perfect opportunity to exercise our skills at asking questions and weighing facts, but all in fun. The original script was written to use as a study of how people perceive or misperceive reality. The brief play was set in a uni-sex hair salon and revolved around the off-stage murder of a concert pianist. Subjects were asked to solve the murder based on their individual perceptions of the events and the six stereotypical characters surrounding the murder. In the current show, a murder is committed and the audience gets to spot the clues, question the suspects, and solve this funny mystery. The outcome is never the same, so even if you have seen it before each performance is essentially a new show.

"Shear Madness" has received the Raven Award from the Mystery Writers of America and has been inducted into the Comedy Hall of Fame, the first play ever to receive that accolade. "Shear Madness" is listed in the Guinness Book of World Records as the longest running play in the history of the USA. The web page states: "Over 11 million people worldwide have joined in the fun, and while no one has actually died laughing, some are still rolling in the aisles."

On Thursday night there are at least two options. For the sports fans, the Washington Nationals will be in town on Wednesday and Thursday nights for 7 pm games. Tickets are available online, but watch the NAUIAP web page for more information. Additionally, some may want another opportunity to relax with a moonlight tour. One of the recommended highlights is a moonlight cruise on the Potomac to view the monuments. This is a 45 minute cruise leaving from the Washington Harbor on K street in Georgetown. You can book your cruise directly at <http://capitolrivercruises.com/tours.html>. There are also a number of dinner cruise offerings you can find at Washington.org or online under Washington DC river cruises.

Whatever adventures or discoveries you choose for your evenings while in Washington DC, I look forward to seeing you in June for the NAUIAP Conference.

Click
for more information

- www.si.edu/visit
- washington.org
- www.placesinwashingtondc.com
- thedistrict.com



National Air and Space Museum

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