

|->

Title 22@ Social Security

|->

Division 1@ Employment Development Department

|->

Subdivision 1@ Director of Employment Development

|->

Division 1@ Unemployment and Disability Compensation

|->

Part 1@ Unemployment Compensation

|->

Chapter 7@ COLLECTIONS

|->

Section 1755-6@ Conduct of Hearing and Evidence

1755-6 Conduct of Hearing and Evidence

(a)

The debtor may authorize any person to represent him or her in the hearing. The authorization should be in written form or by verbal presentation by the debtor to the hearing official. Attendance by the debtor or his or her authorized representative is required unless the debtor has waived, in writing or verbally to the hearing official, his or her right to confront witnesses who may provide testimony, has waived his or her right to an in-person hearing, and the hearing official determines that the designated documents will be considered appearance by the debtor. If the debtor appears at the hearing, he or she shall have his or her witnesses and evidence ready and be ready to proceed at the time and place scheduled. The hearing official may limit attendance at the hearing to those directly concerned, and may exclude unauthorized persons from the hearing.

(b)

The hearing official may exclude witnesses during the testimony of other witnesses, but the debtor and his or her authorized representative and any representative of the department shall have the right to remain throughout the proceeding. The hearing official may exclude any person whose conduct is disruptive to the hearing.

(c)

All testimony shall be under oath, affirmation, or penalty of perjury. The technical rules of evidence and procedure as used in courts of law shall not apply.

(d)

The proceedings shall be reported by tape recording or otherwise perpetuated by mechanical, electronic, or other means capable of reproduction or transcription.

(e)

The issues at the hearing shall be limited to those reasonably related to the withholding order for taxes. No issue respecting taxpayer's liability for taxes will be heard other than his or her identity as the debtor and which earnings are subject to the withholding order.

(f)

The department shall provide a competent interpreter in any proceeding where before or during the hearing it becomes apparent that an interpreter is necessary. The hearing official shall not rely on any state employee who is not proficient in both the English language and the language of the debtor or witness. The hearing official shall administer to all interpreters a separate oath or affirmation to interpret completely and accurately.

(g)

The debtor's rights shall include the following: (1) To call and examine parties and witnesses. (2) To introduce exhibits. (3) To have access to witnesses and documents in the department's possession prior to and during the hearing. (5) To question opposing witnesses and parties on any matter relevant to the issues even though the matter was not covered in direct examination. (6) To impeach any witness regardless of who first called the witness to testify. (7) To rebut the evidence against him or her. (8) To make oral argument or written argument.

(1)

To call and examine parties and witnesses.

(2)

To introduce exhibits.

(3)

To have access to witnesses and documents in the department's possession prior to and during the hearing.

(5)

To question opposing witnesses and parties on any matter relevant to the issues even though the matter was not covered in direct examination.

(6)

To impeach any witness regardless of who first called the witness to testify.

(7)

To rebut the evidence against him or her.

(8)

To make oral argument or written argument.

(h)

Witnesses appearing pursuant to a subpoena or who appear in response to a request by a party to attend any hearing are entitled to the fees and mileage set forth in Section 68093 of the Government Code if a written demand therefor is filed with the hearing official not later than ten (10) days after the date on which the witness appeared at the hearing. If not claimed within that time, no fees or mileage shall be allowed.