

5000 Definitions

Unless otherwise required by the context or specified in the code or these rules, for the purpose of these rules:

(a)

"Administrative law judge" means any person, including any board staff administrative law judge, appointed as provided by law to hear and render decisions pursuant to code section 404.

(b)

"Administrative record" consists of the pleadings, all notices and orders issued by the agency, any decision by an administrative law judge or the board, a transcript of all proceedings, the exhibits admitted or rejected, the written evidence and any other papers in the case.

(c)

"Affidavit" means a written statement under oath made in compliance with Code of Civil Procedure sections 2012 through 2015.6, including a declaration under penalty of perjury made in compliance with Code of Civil Procedure section 2015.5.

(d)

"Agency" means the administrative unit consisting of the board and its employees.

(e)

"Appeal" means a request for review of an adverse department action by an administrative law judge, other than a petition.

(f)

"Appellant" means a party initiating an appeal.

(g)

"Appellate operations" means the activities carried on by the agency to adjudicate board appeals.

(h)

"Applicant" means a person or representative of a person initiating an application.

(i)

"Application" means a request for action by an administrative law judge or the board, other than an appeal, petition, or board appeal, filed or stated by the applicant to an administrative law judge.

(j)

"Audiovisual record" means the original or a copy of any audio or video record of the proceedings maintained by the agency.

(k)

"Board" means the California Unemployment Insurance Appeals Board.

(l)

"Board appeal" means a request for review of an adverse decision or order of an administrative law judge by the board.

(m)

"Board appellant" means a party initiating a board appeal.

(n)

"Board office" means the principal office of the board.

(o)

"Board respondent" means a party responding to a board appeal.

(p)

"Case file" means the written information about a case maintained by the agency, including the case register, but excluding internal agency deliberative and case management documents, the audiovisual record, and any transcript that has been prepared.

(q)

"Case register" means the written record of communications with and transactions by the agency in a case, excluding the audiovisual record.

(r)

"Chairperson" means the board member designated by the governor to hold that office, or, in the absence of the chairperson, a board member designated to act as chairperson as provided by code section 401.

(s)

"Chief administrative law judge" means the person appointed to serve as provided by code sections 405 and 406.

(t)

"Claimant" means a person claiming benefits under the code.

(u)

"Clerical error" means an error, mistake, or omission, by any employee of the agency, which is the result of inadvertence, not the deliberate result of the exercise of judgment, discretion, or reasoning.

(v)

"Code" means the Unemployment Insurance Code.

(w)

"Consumer" means a consumer as defined in Code of Civil Procedure section

1985.3(a)(2).

(x)

"Day" means a calendar day.

(y)

"Decision" means decision as defined in Government Code section 11405.50.

(z)

"Department" means the Employment Development Department.

(aa)

"Department branch" means the applicable branch of the department.

(bb)

"Director" means the director of the Employment Development Department.

(cc)

"Document" means a writing as defined in this rule.

(dd)

"Electronic hearing" means a hearing in which a party or witness has the opportunity to participate by telephone, video, or other electronic means.

(ee)

"Electronically transmit" means transmit by facsimile, electronic mail, Internet, or other electronic means, to a valid electronic address of the recipient which has been furnished by the recipient, provided that any document in which a signature is required or used is transmitted by a means that transmits the original or a copy of the signature.

(ff)

"Express" means ship by express service common carrier, for next day or second day delivery, addressed to the recipient's street address last known to the sender, with shipping charges prepaid or guaranteed.

(gg)

"Field operations" means the activities carried on by the agency to adjudicate appeals and petitions.

(hh)

"Filing" means sending in writing to the agency or department branch office where the case is located. If the person filing does not know that location, the document may be sent to any office of the agency or the department branch. A document is filed on the date it is sent.

(ii)

"Good cause" means a substantial reason under the circumstances, considering the diligence of the proponent and any burden or prejudice to any person involved. "Good cause" includes, but is not limited to, mistake, surprise, inadvertence, or excusable neglect.

(jj)

"Holiday" means holiday as defined in Code of Civil Procedure section 12a.

(kk)

"Mail" means deposit with the United States Postal Service, addressed to the recipient's mailing address last known to the sender, with express, priority, or first class postage prepaid.

(ll)

"Notice to attend" means a request that a person testify as a witness in a hearing.

(mm)

"Notice to attend and produce" means a notice to attend which includes a request that the witness produce documents or things.

(nn)

"Office" means a facility regularly maintained and staffed during normal business

hours by a party or the agency, where any activity of the party or the agency is carried on.

(oo)

"Office of appeals" means a field operations office of the agency which is so named, or the office of the chief administrative law judge.

(pp)

"Order" means a disposition, other than a decision, issued by an administrative law judge or the board, and served by the agency.

(qq)

"Panel" means the board members assigned to a case as provided by code section 409.

(rr)

"Party" includes the department, appellant, petitioner, respondent, board appellant, board respondent, any other person joined or allowed to intervene in the proceeding, or a representative of any of these.

(ss)

"Person" includes a natural person, firm, association, organization, partnership, estate, trust, corporation, limited liability company, or public entity.

(tt)

"Personal records" means personal records as defined in Code of Civil Procedure section 1985.3(a)(1).

(uu)

"Petition" means a tax petition, which is any type of request for review of an adverse department action by an administrative law judge that is authorized by Chapter 4 of Part 1 of Division 1 of the code.

(vv)

"Petitioner" means a party initiating a petition.

(ww)

"Presiding administrative law judge" means a person appointed to administer the activities of an office of appeals or the board staff in addition to performing the duties of an administrative law judge.

(xx)

"Representative" means a person with actual or apparent authority to represent another in a proceeding.

(yy)

"Respondent" means a party responding to an appeal or petition.

(zz)

"Rule" means a provision of these regulations.

(aaa)

"Send" means mail, express, electronically transmit, or physically deliver.

(bbb)

"Serve" means send in writing to each unrepresented party and to the representative of each represented party. The agency need not serve a document on the party that filed it. A document is served on the date it is sent.

(ccc)

"Signature" includes a mark made in compliance with Section 14 of the Civil Code, or a digital signature affixed by any means used by the sender, accepted by the recipient, and acceptable under Section 16.5 of the Government Code and Chapter 10 of Division 7 of Title 2 of the California Code of Regulations.

(ddd)

"Subpoena" means an order that a person testify as a witness in a hearing.

(eee)

"Subpoena duces tecum" means a subpoena which includes an order that the witness produce documents or things.

(fff)

"Untimely" means not filed or served within the time permitted by the code or these rules.

(ggg)

"Waiver" means the intentional relinquishment of a known right.

(hhh)

"Writing" means the original or a copy of any form of recorded message capable of comprehension by ordinary visual means.

(iii)

All terms which are defined in the code shall be construed as defined therein.

(jjj)

These definitions apply to the term defined and to its conjugates.

(kkk)

The singular includes the plural and the plural the singular.