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In the Matter of :
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STATE OF MARYLAND, DEPARTMENT: :
OF HUMAN RESOURCES :
.....:

Case No. 81-WPA-4

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RECOMMENDED ORDER OF DISMISSAL

This proceeding arises under section 3304(c) of the Internal Revenue Code of 1954, 26 U.S.C. §3304(c). On September 17, 1982, a Notice of Hearing was published in the Federal Register (47 F.R. 41314) offering the State of Maryland, Department of Human Resources the opportunity to be heard on whether the Maryland unemployment compensation law conforms to the requirements of federal law as mandated by 26 U.S.C. §3304(c). The specific issue to be determined concerned Maryland's conformity with 26 U.S.C. §3304(a)(15)(B) as interpreted by the United States Department of Labor in Unemployment Insurance Program Letter (VIPL) 7-81, Change 1 (June 9, 1981).

On September 28, 1982, the Department of Labor moved to dismiss this conformity proceeding stating that on September 23, 1982, the United States Court of Appeals for the District of Columbia Circuit held that a portion of VIPL 7-81, Change 1, was unenforceable because of the Department of Labor's failure to comply with the notice and comment provisions of the Administrative Procedure Act, 5 U.S.C. §553. Cabais v. Egger, No. 81-2258. Given the finding of the Court of Appeals, no issue remains to be determined.

Based upon the above information, I RECOMMEND that the Department of Labor's motion to dismiss be granted.


EVERETTE E. THOMAS
Deputy Chief Judge

Dated:
Washington, D.C.

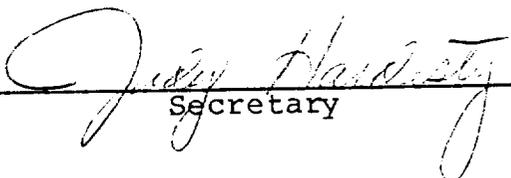
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SERVICE SHEET

Case No. 81-WPA-4

Case Name: State of Maryland

I certify that a copy of the foregoing ORDER was sent to the following individuals on 10/27/82.


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