

341.450 Judicial review.

- (1) Except as provided in KRS 341.460, within twenty (20) days after the date of the decision of the commission, any party aggrieved thereby may, after exhausting his remedies before the commission, secure judicial review thereof by filing a complaint against the commission in the Circuit Court of the county in which the claimant was last employed by a subject employer whose reserve account or reimbursing employer account is affected by such claims. Any other party to the proceeding before the commission shall be made a defendant in such action. The complaint shall state fully the grounds upon which review is sought, assign all errors relied on, and shall be verified by the plaintiff or his attorney. The plaintiff shall furnish copies thereof for each defendant to the commission, which shall deliver one (1) copy to each defendant.
- (2) Summons shall issue upon the complaint directing the commission to file answer within twenty (20) days after service thereof. Such summons shall be served upon a member of the commission, or upon such person as the commission designates, and such service shall be deemed complete service upon all members of the commission. The commission may be represented by any qualified attorney designated by the commission for that purpose or, at the request of the commission, by the Attorney General. With its answer, the commission shall certify and file as an exhibit with the court all documents and papers, and a transcript of all testimony taken in the matter, and orders made therein, together with its findings of fact and decision therein. If consented to by the plaintiff and the adverse party, an abstract of any portion of the record may be certified by the commission in lieu of certifying such portion of the record in full. The commission may certify to the court questions of law involved in any decision by it.
- (3) Such actions, and the questions so certified, shall be heard by the court in a summary manner upon the record certified by the commission. The court on its own motion or on the motion of an interested party shall assign a date certain for the review. The clerk of the court shall notify the attorneys of record of the date assigned for review at least ten (10) days in advance thereof. The court shall enter judgment, affirming, modifying, or setting aside the order and the decision appealed from or determining the question of law certified to it by the commission, and may in advance of judgment, remand the case to the commission for further proceedings in accordance with the direction of the court.
- (4) An appeal may be taken from the decision of the Circuit Court to the Court of Appeals, in the same manner, but not inconsistent with the provisions of this chapter, as is provided in equity cases.
- (5) It shall not be necessary, in any judicial proceeding under this section or KRS 341.460, to have entered exceptions to the rulings of the commission, and no bond shall be required for entering such appeal. Upon the final determination of such judicial proceeding, the commission shall enter an order in accordance with such determination. A petition for judicial review shall not act as a supersedeas or stay unless the commission shall so order.

Effective: July 15, 1996

History: Amended 1996 Ky. Acts ch. 266, sec. 15, effective July 15, 1996. -- Amended 1976 (1st Extra. Sess.) Ky. Acts ch. 14, sec. 275, effective January 2, 1978. -- Amended 1958 Ky. Acts ch. 4, sec. 10. -- Amended 1954 Ky. Acts ch. 177, sec. 4. -- Amended 1950 Ky. Acts ch. 206, sec. 1. -- Amended 1948 Ky. Acts ch. 216, sec. 17. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 4748g-11.