

## CODIFICATION

In subsec. (f), “Courts of Appeals”, “United States court of appeals for the circuit”, “United States Court of Appeals for the Seventh Circuit” substituted for “Circuit Courts of Appeals”, “United States circuit court of appeals for the circuit”, and “United States Circuit Court of Appeals for the Seventh Circuit”, respectively, on authority of act June 25, 1948, §32(a), as amended by act May 24, 1949, §127. “United States Court of Appeals for the District of Columbia” substituted for “Court of Appeals for the District of Columbia” pursuant to act June 7, 1934, ch. 426, 48 Stat. 926.

## AMENDMENTS

1988—Subsec. (b). Pub. L. 100-647, §7104(a), inserted at end “When a claim for benefits is filed with the Board, the Board shall provide notice of such claim to the claimant’s base-year employer or employers and afford such employer or employers an opportunity to submit information relevant to the claim before making an initial determination on the claim. When the Board initially determines to pay benefits to a claimant under this chapter, the Board shall provide notice of such determination to the claimant’s base-year employer or employers.”

Subsec. (c)(1). Pub. L. 100-647, §7401(b)(1), (2), inserted “(1)” after “(c)” and inserted at end “In any such case the Board or the person or reviewing body so established or assigned shall, by publication or otherwise, notify all parties properly interested of their right to participate in the hearing and of the time and place of the hearing.”

Subsec. (c)(2). Pub. L. 100-647, §7104(b)(3), inserted “(2)” before “Any claimant whose claim”.

Subsec. (c)(3). Pub. L. 100-647, §7104(b)(4), added par. (3).

Subsec. (c)(4). Pub. L. 100-647, §7104(b)(5), inserted “(4)” before “In any case in which”.

Subsec. (c)(5). Pub. L. 100-647, §7104(b)(6), (7), inserted “(5)” before “Final decision of the Board” and substituted “preceding three paragraphs” for “preceding two paragraphs”.

Subsec. (c)(6). Pub. L. 100-647, §7104(b)(8), added par. (6).

Subsec. (c)(7). Pub. L. 100-647, §7104(b)(9), inserted “(7)” before “Any issue determinable”.

Subsec. (f). Pub. L. 100-647, §7104(c), inserted “or any base-year employer of the claimant,” after “member,” and inserted after second sentence “A copy of such petition also shall forthwith be served upon any other properly interested party, and such party shall be a party to the review proceeding.”

1984—Subsec. (f). Pub. L. 98-620 struck out provision requiring court to give precedence in adjudication of petition over all other civil cases not otherwise entitled by law to precedence.

1981—Subsec. (f). Pub. L. 97-35 substituted “Within thirty days” for “Within fifteen days”.

1958—Subsec. (f). Pub. L. 85-791, in fourth sentence, struck out “certify and” after “shall” and “a transcript of” after “filed”, and inserted “as provided in section 2112 of title 28”; in fifth sentence, substituted “the filing of such petition” for “such filing”; in sixth sentence, struck out “upon the pleadings and transcript of the record,” after “enter”; and in eighth sentence struck out “a transcript of” before “the additional record”.

1946—Subsec. (c). Act July 31, 1946, §311, struck out provisions for district boards, placing their functions in referees or such other reviewing bodies as Board may establish; changed third par. to allow Board to determine if a person or company is covered by this chapter regardless of whether or not benefit claims are pending; and added last par.

Subsec. (d). Act July 31, 1946, §312, changed references to district boards to refer to reviewing bodies.

Subsec. (e). Act July 31, 1946, §313, struck out provisions restricting subsection to proceedings on a claim for benefits.

Subsec. (f). Act July 31, 1946, §314, changed first sentence to provide for review by circuit courts of appeals instead of district courts.

Subsec. (g). Act July 31, 1946, §315, inserted reference to determination of any other matter pursuant to subsec. (c) of this section.

Subsec. (i). Act July 31, 1946, §316, extended provisions to other properly interested persons besides a claimant.

1940—Subsec. (c). Act Oct. 10, 1940, substituted provisions relating to a fair hearing for each qualified employee for provisions relating to a fair hearing for each claimant, and added paragraphs relating to review for claimants denied benefits on basis of not being a qualified employee or awarded benefits at an improper rate, payment of benefits to employees of noncomplying employers, and final decisions of Board.

## EFFECTIVE DATE OF 1988 AMENDMENT

Section 7104(f) of Pub. L. 100-647 provided that: “The amendments made by this section [amending this section and section 362 of this title] shall take effect on January 1, 1990.”

## EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-620 not applicable to cases pending on Nov. 8, 1984, see section 403 of Pub. L. 98-620, set out as a note under section 1657 of Title 28, Judiciary and Judicial Procedure.

## EFFECTIVE DATE OF 1981 AMENDMENT

Amendment by Pub. L. 97-35 effective Oct. 1, 1981, and applicable only with respect to annuities awarded on or after that date, see section 1129 of Pub. L. 97-35, set out as a note under section 231 of this title.

## EFFECTIVE DATE OF 1946 AMENDMENT

Amendment by act July 31, 1946, effective July 31, 1946, see section 401 of act July 31, 1946.

## EFFECTIVE DATE OF 1940 AMENDMENT

For effective date of amendment by act Oct. 10, 1940, see section 1 of act Oct. 10, 1940, set out as a note under section 351 of this title.

## SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 362 of this title.

**§ 355a. Acceptance of claims for benefits**

Whenever there is duly tendered to the Board, by any person, any claim for unemployment compensation pursuant to the Railroad Unemployment Insurance Act [45 U.S.C. 351 et seq.], such claim shall be accepted by the Board without delay and appropriate administrative action for the allowance or disallowance of such claim shall be taken by the Board at the earliest practicable time.

(June 29, 1956, ch. 477, title V, §501, 70 Stat. 437.)

## REFERENCES IN TEXT

The Railroad Unemployment Insurance Act, referred to in text, is act June 25, 1938, ch. 680, 52 Stat. 1094, as amended, which is classified principally to this chapter. For complete classification of this Act to the Code, see section 367 of this title and Tables.

## CODIFICATION

Section was enacted as part of act June 29, 1956, popularly known as the Departments of Labor, and Health, Education, and Welfare, Appropriation Act, 1957, and not as a part of the Railroad Unemployment Insurance Act which comprises this chapter.

## PRIOR PROVISIONS

Similar provisions were contained in the following prior appropriation act: Aug. 1, 1955, ch. 437, title V, §501, 69 Stat. 411.

**§ 356. Returns of compensation; conclusiveness; failure to make**

Employers shall file with the Board, in such manner and at such times as the Board by regulations may prescribe, returns of compensation of employees, and, if the Board shall so require, shall distribute to employees annual statements of compensation: *Provided*, That no returns shall be required of employers which would duplicate information contained in similar returns required under any other Act of Congress administered by the Board. The Board's record of the compensation so returned shall, for the purpose of determining eligibility for and the amount of benefits, be conclusive as to the amount of compensation paid to an employee during the period covered by the return, and the fact that the Board's records show that no return was made of the compensation claimed to have been paid to an employee during a particular period shall, for the purposes of determining eligibility for and the amount of benefits, be taken as conclusive that no compensation was paid to such employee during that period, unless the error in the amount of compensation in the one case, or failure to make or record return of the compensation in the other case, is called to the attention of the Board within eighteen months after the date on which the last return covering any portion of the calendar year which includes such period is required to have been made.

(June 25, 1938, ch. 680, § 6, 52 Stat. 1101; June 20, 1939, ch. 227, § 12, 53 Stat. 847; Oct. 10, 1940, ch. 842, § 21, 54 Stat. 1099; July 31, 1946, ch. 709, § 317, 60 Stat. 739; Pub. L. 89-700, title II, § 203, Oct. 30, 1966, 80 Stat. 1087.)

AMENDMENTS

1966—Pub. L. 89-700 struck out provisions which required returns of compensation of employees to be under oath.

1946—Act July 31, 1946, changed references to compensation earned by an employee to refer to compensation paid to an employee.

1940—Act Oct. 10, 1940, inserted provisions relating to conclusiveness of returns for purpose of determining eligibility for and amount of benefits, and struck out requirements that returns relate to monthly compensation and that distributed statements of compensation be prepared by Board.

1939—Act June 20, 1939, struck out requirement that return shall be in form required by Board, inserted proviso relating to return containing duplicative information, and substituted provisions relating to conclusiveness of returns not questioned within eighteen months after last return is filed, for provisions relating to conclusiveness of returns not questioned within four years after last date on which return was required to be made.

EFFECTIVE DATE OF 1946 AMENDMENT

Amendment by act July 31, 1946, effective July 31, 1946, see section 401 of act July 31, 1946.

EFFECTIVE DATE OF 1940 AMENDMENT

For effective date of amendment by act Oct. 10, 1940, see section 1 of act Oct. 10, 1940, set out as a note under section 351 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 351 of this title.

**§ 357. Free transportation**

It shall not be unlawful for carriers to furnish free transportation to employees qualified for

benefits or serving waiting periods under this chapter.

(June 25, 1938, ch. 680, § 7, 52 Stat. 1102.)

**§ 358. Contributions**

**(a) Employer contribution**

**(1) In general**

**(A) General rule**

**(i) Contribution rate generally**

Every employer shall pay a contribution, with respect to having employees in his service, equal to the percentage determined under subparagraph (B), (C), or (D), whichever is applicable, of so much of the compensation paid in any calendar month by such employer to any employee as is not in excess of the monthly compensation base for that month as computed under section 351(i) of this title.

**(ii) Multiple employer limitation**

If compensation is paid to an employee by more than one employer in any calendar month—

(I) the contributions required by this subsection shall not apply to any amount of the aggregate compensation paid to such employee by all such employers in such calendar month which is in excess of such monthly compensation base; and

(II) each employer (other than a subordinate unit of a national-railway-labor-organization employer) shall be liable for that portion of the contribution with respect to such compensation paid by all such employers which the compensation paid by him to such employee bears to the total compensation paid in such month by all such employers to such employee.

In the event that the compensation paid by such employers to the employee in such month is less than such monthly compensation base, each subordinate unit of a national-railway-labor-organization employer shall be liable for such portion of any additional contribution as the compensation paid by such employer to such employee in such month bears to the total compensation paid by all such employers to such employee in such month.

**(B) Transitional rule**

**(i) 1st, 2d, and 3d calendar years**

Except as provided in clause (vi), with respect to compensation paid in calendar years 1988, 1989, and 1990, the contribution rate shall be 8 percent.

**(ii) 4th calendar year**

With respect to compensation paid in calendar year 1991, the contribution rate shall be the smaller of—

(I) the maximum contribution limit computed under paragraph (20); or

(II) the percentage computed pursuant to the following formula:

$$R = \frac{2A+B}{3}$$