

EMPLOYMENT SECURITY COMMISSION OF NORTH CAROLINA
RALEIGH, NORTH CAROLINA

INTERPRETATION NO. 207

TO: R. Fuller Martin, Director

FROM: D. G. Ball, Chief Counsel

RE: Interpretation of the Employment Security Law of North Carolina (1) Section 96-13(3), Commission-Approved Training, and (2) Section 96-18(f), Larceny and Embezzlement

The 1971 amendments provide that they shall be in full force and effect upon ratification. The laws were ratified on June 25, 1971. Thus, this is the effective date of such laws.

In our opinion, any individual now attending a training program or vocational school which has been approved by the Commission and who heretofore has been held unavailable for work where he was receiving a training allowance is eligible for benefits as of June 25, 1971, under Section 96-13(3) (1971 amendment), nothing else appearing. However, any unemployment insurance benefits payable would be reduced by the amount of any such training allowance.

The deletion of the penalty under Section 96-18(f) (also effective June 25, 1971) has the effect or is in the nature of a remedial statute and has a retroactive connotation. Therefore, we are of the opinion that acts of larceny or embezzlement committed prior to the effective date of the amendment do not create an issue after the effective date of the amendment.

I have conferred with Mr. Ralph Moody, Deputy Attorney General, about these matters; and as a result of the conference, I have reached the conclusions set out above.

Adopted as an official Interpretation by the Commission on July 27, 1971.