

CONNECTICUT APPELLATE COURT

Bowens v. Administrator, Unemployment Compensation Act

Bowens · No. AC 47683 · Decided December 30, 2025

SUMMARY

The Connecticut Appellate Court reviewed an administrative appeal involving the denial of a late motion to open an unemployment compensation referee’s decision. The court held that the Superior Court exceeded the limited scope of judicial review by making factual findings outside the certified record and substituting its judgment for that of the administrative board. The judgment was reversed, and judgment was directed for the defendant.

CASE DETAILS

COURT	Connecticut Appellate Court
WRITING FOR THE COURT	Moll, J.; Cradle, C. J.; Elgo, J.
JURISDICTION	Connecticut Appellate Court
DECIDED	December 30, 2025
DOCKET	AC 47683
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	The Administrator appealed from the Superior Court's judgment remanding an unemployment-compensation matter to the Employment Security Appeals Division referee for reconsideration of the denial of Bowens's untimely motion to open an earlier referee decision.
STANDARD OF REVIEW	In an appeal under General Statutes § 31-249b, the Superior Court reviews only the certified administrative record, does not retry the facts or hear evidence, and is bound by the referee's factual findings when adopted by the Board. The court may overturn the Board's decision only if the Board acted unreasonably, arbitrarily, illegally, or in abuse of its discretion.
PRECEDENTIAL VALUE	Published Connecticut Appellate Court opinion
PARTIES	Administrator, Unemployment Compensation Act v. Pamela Bowens

TOPICS

unemployment benefits

judicial review of agency action

standard of review

appellate procedure

preservation of error

PRACTICE AREAS

administrative law

employment law

unemployment benefits

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QUESTIONS PRESENTED

1. Whether the Superior Court exceeded the limited scope of judicial review by finding facts outside the certified administrative record.
2. Whether the Superior Court improperly substituted its judgment for that of the Board of Review when it remanded for reconsideration of Bowens's late motion to open.
3. Whether, on the factual findings contained in the certified record, the Board acted unreasonably, arbitrarily, illegally, or in abuse of its discretion in affirming denial of the motion to open.
4. Whether the Board improperly refused to consider medical documents offered belatedly by Bowens.

HOLDINGS

1. The Superior Court exceeded its limited scope of judicial review by finding facts beyond the certified administrative record and relying on those findings in reviewing the Board's decision.
2. On the controlling factual findings in the certified record, the Board did not act unreasonably, arbitrarily, illegally, or in abuse of its discretion in affirming the referee's denial of Bowens's motion to open.
3. The Board did not improperly refuse to consider Bowens's medical documents; it determined that she had not shown good cause for submitting them belatedly and that, even if considered, they would not excuse the lengthy delay in filing the motion to open.

KEY QUOTATIONS

“The standard of review for judicial review of this type of case is well established.” (opinion at 9)

“Put simply, the court exceeded its limited scope of judicial review by engaging in such fact-finding and by relying on its improper findings in examining the board’s decision.” (opinion at 11)

“On the basis of the controlling factual findings set forth in the certified record, we cannot conclude that the board acted unreasonably, arbitrarily, illegally, or in abuse of its discretion in affirming the referee’s denial of the motion to open.” (opinion at 14)

FACTUAL BACKGROUND

The Administrator mailed Bowens a January 12, 2021 decision determining that she was ineligible for unemployment benefits and setting February 2, 2021, as the appeal deadline. Bowens appealed on February 24, 2021, and failed to appear at the April 14, 2021 hearing because she was at a hospital with her son after he had been shot. She received the referee's April 16, 2021 dismissal decision but did not contact the division from April

through August; on September 13, 2021, she filed a motion to open more than eighteen weeks late. The referee denied the motion for lack of diligence, and the Board affirmed.

PROCEDURAL HISTORY

The Administrator determined that Bowens was ineligible for unemployment benefits. Bowens filed an untimely appeal, did not appear at the hearing concerning good cause for the late appeal, and later filed an untimely motion to open; the referee denied the motion and the Board of Review affirmed. The Superior Court remanded for reconsideration, concluding that the agency had not reasonably evaluated good cause and diligence. The Connecticut Appellate Court reversed and directed the Superior Court to render judgment affirming the Board's decision.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The case was remanded with direction for the Superior Court to render judgment affirming the decision of the Board of Review of the Employment Security Appeals Division.

CASES CITED

- Belica v. Administrator, Unemployment Compensation Act, 126 Conn. App. 779, 784 n.8, 787, 12 A.3d 1067 (2011)
- Mendes v. Administrator, Unemployment Compensation Act, 199 Conn. App. 25, 30, 36, 235 A.3d 665 (2020)
- Blossom's Escort, LLC v. Administrator, Unemployment Compensation Act, 184 Conn. App. 448, 454, 195 A.3d 417 (2018)
- Ray v. Administrator, Unemployment Compensation Act, 133 Conn. App. 527, 533-34, 36 A.3d 269 (2012)
- Seward v. Administrator, Unemployment Compensation Act, 191 Conn. App. 578, 586, 215 A.3d 202 (2019)
- Chicatell v. Administrator, Unemployment Compensation Act, 145 Conn. App. 143, 151-52, 74 A.3d 519 (2013)
- Burnham v. Administrator, Unemployment Compensation Act, 184 Conn. 317, 322-23, 439 A.2d 1008 (1981)