



OFFICE OF THE ATTORNEY GENERAL OF TEXAS  
AUSTIN

GERALD C. MANN  
ATTORNEY GENERAL

Mr. Conrad J. Landrum  
Assistant District Attorney  
Harris County  
Houston, Texas

Dear Sir:

Opinion No. O-4240  
Re: Liability of claimant  
for unemployment com-  
pensation taxes, for  
court costs.

We have your request for an opinion of this department as to whether an individual appealing from the decision of the Unemployment Compensation Commission and losing his appeal in the courts is liable for the court costs incurred.

The facts recited in the letter of Mr. Leon C. Levy attached to your request advise us that one Earl Heaton Haines filed an appeal to the justice court from the disallowance of his claim for unemployment compensation benefits. The justice court reversed the Commission and allowed the benefits sought by the claimant; subsequently an appeal was taken from that judgment to the county court. The county court reversed the judgment of the justice court, thus refusing the claimant's appeal for benefits.

Mr. Levy, attorney for Mr. Haines, has now been presented with a cost bill in the amount of \$10.95 as accrued costs in the court's action brought by Mr. Haines.

There are no cases upon this subject, however, we think this matter is clearly settled by the pertinent statutes. Article 5221b, Section 4 (1), Vernon's Revised Civil Statutes, reads, in part, as follows:

"(1) Court Review: Within ten (10) days after the decision of the Commission has become final, any party aggrieved thereby may secure

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judicial review thereof by commencing an action in any court of competent jurisdiction in the county of claimant's residence against the Commission for the review of its decision, in which action any other party to the proceeding before the Commission shall be made a defendant. . . ."

Section 13 (b) reads:

"(b) Limitation of Fees: No individual claiming benefits shall be charged fees of any kind in any proceeding under this Act by the Commission or its representatives or by any court or any officer thereof. Any individual claiming benefits in any proceeding before the Commission or a court may be represented by counsel or other duly authorized agent; but no such counsel or agents shall either charge or receive for such services more than an amount approved by the Commission. Any person who violates any provision of this subsection shall for each offense, be fined not less than Fifty (\$50.00) Dollars, nor more than Five Hundred (\$500.00) Dollars, or imprisoned for not more than six (6) months, or both."

The purpose of the Unemployment Compensation Act is to aid the justifiably unemployed persons of this State and for that reason they enacted the Texas Unemployment Compensation Law as provided in Article 522b, R. C. S. Realizing that persons resorting to the fund provided by this Act for assistance during their time of unemployment might not be able to make a court deposit or to provide the necessary money to file an appeal from the decision of the court if such an appeal is necessary the Legislature wrote into the Act as detailed in Section 13 (b), supra, that no individual claiming benefits under the Act shall be charged fees of any kind in any proceeding held by the Commission or its representatives or by any court or any officer thereof. We think that statute too clear to demand construction. We cannot see any meaning, but that the Legislature intended and said that the court should not charge any individual any deposit or fee for an appeal to the court for the recovery of the benefits provided under this Act.

Surely, the Legislature could not have intended that a lawyer accepting the representation of an individual desiring

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to appeal from the order of the Commission to the courts of this State should be required to provide the court costs incurred in such a proceeding. The Legislature went so far as to limit the fees that an attorney could charge the client for the handling of this type of action.

You are therefore advised that there is no right in the court to assess and collect court costs from a claimant in a proceeding by the claimant for judicial review of the decision of the Commission.

Yours very truly

ATTORNEY GENERAL OF TEXAS

By (s) Morris Hodges  
Assistant

MH:db

APPROVED DEC. 11, 1941  
(s) Grover Sellers  
First Assistant Attorney General

APPROVED  
Opinion Committee  
By B.W.E. Chairman