

The Burger Court Opinion Writing Database

Christian v. New York State Department of Labor

414 U.S. 614 (1974)

Paul J. Wahlbeck, George Washington University

James F. Spriggs, II, Washington University

Forrest Maltzman, George Washington University



Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
THE CHIEF JUSTICE

January 18, 1974

Re: 72-5704 - Christian v. New York State Dept. of Labor

Dear Bill:

Please join me.

Regards,



Mr. Justice Brennan

Copies to the Conference

Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE WILLIAM O. DOUGLAS

January 14, 1974

RE: 72-5704, CHRISTIAN AND GREEN v. N.Y. STATE
DEPT OF LABOR

Dear Bill:

I had a somewhat different view as to
remedy, but I have decided to acquiesce in
your disposition.

(w)

WILLIAM O. DOUGLAS

Mr. Justice BREWSTER

cc: The Conference

2nd DRAFT

SUPREME COURT OF THE UNITED STATES

JAN 3

No. 72-5704

Revised 1/3/74

Jean Christian and Victor L.
Green, Appellants,
New York State Department of
Labor, Division of Em-
ployment, et al. On Appeal from the
United States District
Court for the Southern
District of New York.

(January —, 1974)

MR. JUSTICE BRENNAN delivered the opinion of the Court

Appellants, discharged federal probationary employees, were denied unemployment compensation by the New York State Department of Labor, an "agent of the United States" under agreement with the Secretary of Labor for the administration of the Unemployment Compensation for Federal Employes (UCFE) Program, 5 U.S.C. § 8501 *et seq.* Appellants brought this class suit against that state agency in the District Court for the Southern District of New York, joining as defendants the United States Department of Labor, which is charged with overall responsibility for the program, and the United States Post Office and Department of the Treasury, which are appellants' former employing agencies.

Appellants alleged that the state agency had based its adverse determinations on findings of fact made *ex parte* by the federal employing agencies, and that the state agency had refused to afford either appellant a hearing at which he could attempt to contest the federal findings. The result, appellants claimed, was a deprivation of any opportunity to be heard, in violation of the

4th DRAFT

SUPREME COURT OF THE UNITED STATES

No. 72-5704

JAN 14

Jean Christian and Victor L.
Green, Appellants,
v.
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Labor, Division of Em-
ployment, et al. } On Appeal from the
United States District
Court for the Southern
District of New York.

[January —, 1974]

MR. JUSTICE BRENNAN delivered the opinion of the Court.

Appellants, discharged federal probationary employees, were denied unemployment compensation by the New York State Department of Labor, an "agent of the United States" under agreement with the Secretary of Labor for the administration of the Unemployment Compensation for Federal Employes (UCFE) Program, 5 U. S. C. §§501 *et seq.* Appellants brought this class suit against that state agency in the District Court for the Southern District of New York, joining as defendants the United States Department of Labor, which is charged with overall responsibility for the program, and the United States Post Office and Department of the Treasury, which are appellants' former employing agencies.

Appellants alleged that the state agency had based its adverse determinations on findings of fact made *ex parte* by the federal employing agencies, and that the state agency had refused to afford either appellant a hearing at which he could attempt to contest the federal findings. The result, appellants claimed, was a deprivation of any opportunity to be heard, in violation of the

Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE POTTER STEWART

January 10, 1974

No. 72-5704 - Christian v. New York Department of Labor

Dear Bill,

I am glad to join your opinion for the Court in this case.

Sincerely yours,

PS.

Mr. Justice Brennan

Copies to the Conference

Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE BYRON R. WHITE

January 10, 1974

Re: No. 72-5704 - Christian v. New York State
Department of Labor, Division of Employment

Dear Bill:

As I understand it, the question in the background of this case is not what procedures are required in connection with the termination of a probationary federal employee but whether the paper hearing that is available to reconsider and correct such a termination, plus whatever judicial review that may be had, are a constitutionally sufficient basis to determine ineligibility for welfare benefits, here unemployment compensation. Whatever hearing is constitutionally required, if any, I am satisfied myself that pending that hearing, the claimant need not be put on the welfare rolls. But is a Goldberg type proceeding essential finally to determine ineligibility for compensation? If a decision based on perhaps conflicting letters or affidavits is sufficient, as long as it is followed by some sort of judicial review on the administrative record, the federal statute and regulations before us, with the help of the APA, appear adequate for this purpose. In that event we would remand solely to permit--and require--exhaustion of an available administrative remedy that excusably has not been sought. As I understand it, however, the constitutional question as to the hearing necessary in connection with initial determinations of eligibility is put off for another day. On this basis, I join the opinion.

Sincerely,



Mr. Justice Brennan

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Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE THURGOOD MARSHALL

January 10, 1974

Re: No. 72-5704 -- Christian and Green v. New York
State Department of Labor

Dear Bill:

Please join me in your opinion in this case.

Sincerely,

T.M.

T.M.

Mr. Justice Brennan

cc: The Conference

Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE HARRY A. BLACKMUN

January 7, 1974

Dear Bill:

Re: No. 72-5704 - Christian v. New York Dept.
of Labor, etc.

Please join me.

Sincerely,

H. A. B.

Mr. Justice Brennan

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Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE LEWIS F. POWELL, JR.

January 9, 1974

No. 72-5704 Christian v. New York State
Department of Labor

Dear Bill:

Please join me.

Sincerely,



Mr. Justice Brennan

lfp/ss

cc: The Conference

Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE WILLIAM H. REHNQUIST

January 10, 1974

Re: No. 72-5704 - Christian and Green v. New York
Department of Labor

Dear Bill:

Please join me.

Sincerely,

Mr. Justice Brennan

Copies to the Conference