

From: [Sunset Advisory Commission](#)
To: [Jalisa Broussard](#)
Subject: FW: Public Input Form for Agencies Under Review (Private/Before Publication)
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From: sunset.website@brightleafgroup.com <sunset.website@brightleafgroup.com>
Sent: Monday, August 17, 2026 4:29 PM
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Subject: Public Input Form for Agencies Under Review (Private/Before Publication)

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Submitted by: Visitor

Submitted values are:

Choose the agency that you would like to provide input about
[Texas Workforce Commission](#)

Public Comments

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Your Comments or Concerns

My name is Blake Dodd and I am a former employee of the Texas Workforce Commission. This comment is focused on Recommendation 8.2 of the Staff Report. After conducting research on the unemployment insurance program, I found there is misapplication of state statutes regarding Commission decisions for specific instances of voluntary separations under Texas Labor Code § 207.045(d). This comment is not meant to relitigate my own case but rather to point toward an issue which denies the original intent of the statute, impacts the lives of many claimants, and produces an inefficient process of handling cases.

Delegated Powers Given to TWC — Rulemaking Authority

TWC is provided rulemaking authority regarding the administration of certain programs through statutes such as Labor Code Chapter 301, which sets the general rulemaking authority of the Commission. However, rulemaking authority provided to the agency over programs does not permit Commissioners to act in a way that adds to existing statute. This type of situation can occur when longstanding issues in an agency cause leadership, and thereby staff members, to operate programs in ways that are guided more by past internal decisions and behavior, rather than proper procedure and regulatory review. The Staff Report made one finding lending to behavior insulated from outside review: The "Commission member training" finding on page 110 states partly, "... However, statute does not contain newer requirements for all topics the training must cover such as a discussion of the scope of and limitations on the commission's rulemaking authority..."

Being able to understand actions which stray from the original intent of a law is paramount to making systems work. The descriptions below briefly show how the misapplication of law leads to programmatic issues, thereby impacting constituents it was built to serve. Only a few specific cases are identified in this comment, but the problem occurs on a regular basis. (See Figure 1, "Where the Rule Came From," in the attached document.)

Good Cause Connected with the Work — A Straightforward Reading of the Statute

State statute provides instruction on how the Commission should handle claims involving certain elements of a voluntary resignation from employment: "(d)

Notwithstanding any other provision of this section, an individual who is available to work may not be disqualified for benefits because the individual left work because of: (1) a medically verified illness of the individual or the individual's minor child; (2) injury; (3) disability; (4) pregnancy; (5) an involuntary separation as described by Section 207.046; or (6) a move from the area of the individual's employment that: (A) was made with the individual's spouse who is a member of the armed forces of the United States; and (B) resulted from the spouse's permanent change of station of longer than 120 days or a tour of duty of longer than one year." (Texas Labor Code § 207.045(d).)

The statute shown above identifies the types of conditions where a claimant is eligible for benefits. It does not add a test to the language requiring a doctor to tell a claimant to resign, and lawmakers would have included the instruction if it were their intent. This is displayed even in surrounding statute where a specific requirement was identified for an involuntary separation which included sexual assault/family violence § 207.046(a)(2)(C) or the terminal illness of a spouse § 207.046(a)(3). Similar requirements were not added to § 207.045(d).

Misapplication in Action

The consequences of not following the legislative intent of § 207.045(d)(1) are evident in TWC guidance materials and Commission decisions. TWC adds decisions into the Appeals Policy and Precedent Manual, and the process ends up being confusing for those who did everything they could to protect their job: visited a physician, sought accommodation, used FMLA when needed, worked with employer to address issues impacting a medically verified illness. Under the current system, a person with a disability could do everything they could to make it in a job and still get denied UI benefits if a doctor did not use the specific words about them having to resign. The result is shown in multiple decisions made in public meetings where the added test is seen continuously. (See Figure 2, "The Commission Applying Two Tests," and Appendix A in the attached document for the underlying case transcripts.)

The Judicial System Defers to Agency Rules

Courts tasked with reviewing TWC claimant decisions use the substantial evidence standard. A UI program operating on an extra test outside of the statute causes the court to accept requirements not found in the statute. The following is a definition of substantial evidence from the Legal Information Institute and a statement from a 2014 court case partly describing how a review is conducted at the court level: "...Substantial evidence is a deferential standard lower than preponderance of the evidence...In the

context of federal agencies, for example, courts reviewing under the substantial evidence standard look to the entire existing administrative record and ask whether it contains evidence sufficient to support the agency's factual determinations." "... Because substantial evidence is more than a mere scintilla but less than a preponderance of the evidence, the evidence in the record may preponderate against the TWC's decision but still amount to substantial evidence..." (Spicer v. Texas Workforce Commission, 2014.)

Your Proposed Solution

Your Proposed Solution:

Modify Recommendation 8.2 by Amending Texas Labor Code § 207.045(d)

Amend § 207.045(d) to clarify that medical verification of the listed conditions is sufficient for eligibility, and a resignation directive from a physician is not a requirement.

Without more clarity in the statute, decisions made by the Commission will continue to negatively impact those it was meant to help. This issue is important because Texans expect government institutions to run effectively and in alignment with state law. When one agency's program fails to live up to the basic standard of a statute, it disrupts people's experiences with the entity as a whole, places the organization in a bad light, and can lead toward a situation where leadership relies on processes running against lawmaker intentions. This is happening with the administration of TWC's unemployment insurance benefits program and can be fixed through the Sunset process.

Attachment

[PFN Sunset Comment Letter 2026-08-17.pdf](#) (163.49 KB)



My Comments Will Be Made Public

Yes