

Guide to an Unemployment Insurance Compensation Hearing

The Department of Workforce Development (“DWD”) primarily uses Uplink and email to communicate with claimants. You will likely only have 48 hours to respond to communications from a claims investigator. **It is very important that you check your Uplink account and email regularly and timely respond to all communications.** You should keep your contact information in Uplink up to date and make sure communications are not going to spam folders.

Filing an Appeal

When DWD finishes its review of a claimant’s application or a portion of the application, it issues a “Determination” such as a “Monetary Determination of Eligibility” or “Determination of Eligibility”. If you disagree with any Determination, you must file an appeal within 10 days of the date of the Determination. This deadline is strict, and you should proceed to file any appeal on your own **as soon as possible** by following the instructions contained in the Determination Notice.

An employee or an employer may file an appeal. If your employer files an appeal, you should still participate in the hearing because your rights may be affected. DWD could find any payments you have received were overpayments and decide you must repay those funds. DWD can also make decisions which can limit or reduce your right to future unemployment benefits. Continue to file weekly vouchers for any weeks you may be eligible for benefits while your appeal is pending. If your case is resolved in your favor, you will receive a payment of back benefits.

Before the Hearing

Unemployment Insurance Compensation hearings are conducted by Administrative Law Judges (“ALJs”). DWD hearings are administrative proceedings so there are some differences from a traditional court case; however, the hearing can determine important rights for you.

DWD conducts its hearings by telephone. About 10 days before your hearing, DWD will post a hearing notice in your Uplink account including the date and time of your hearing and other important procedural information about how the hearing will be conducted. Your hearing notice will contain an acknowledgment sheet. The acknowledgment sheet must be filled out and sent to the Administrative Law Judge (ALJ) **as soon as possible** after you receive it. That sheet gives the ALJ information about how to contact you at your hearing time or up to one hour afterwards. Read the information from DWD carefully and make sure you are able to join the meeting at the correct time. If you are participating with a cell phone, make sure you have sufficient minutes for the call. If the ALJ is unable to reach you at the number you provide for the hearing or you fail to respond to the acknowledgement sheet, the ALJ is allowed to proceed without your participation in the hearing.

To address the current backlog in appeals, DWD is also contacting some claimants and offering to conduct hearings without 10 day notice and scheduling some hearings on Saturdays or Sundays. If you are called and you have not received prior notice, you do not have to agree to participate in the hearing. You can still proceed with the traditional hearing process at a later date. If you need

time to organize your thoughts, the time offered is not a good time for you, or you wish to submit documents that support your case, you may want to decline the hearing. You will only receive one hearing. You want to be able to present all evidence in support of your case.

You can use exhibits or other documents such as statements of coworkers, employee handbooks, or doctor notes, as evidence for your case. Gather this information **as soon as possible** after filing your appeal. You must label each exhibit with a letter or number and provide a copy to the ALJ, DWD and to your former employer (if applicable) no later than 24 hours in advance of the hearing. You should provide these documents **as soon as possible** after your hearing is scheduled.

You will have a chance to tell your side of the story during the hearing. You should reduce your statement to an outline and have that with you during the hearing. This will help you make sure you do not forget to mention an important point.

During the Hearing

To get unemployment benefits, the general rule is that you must be unemployed through no fault of your own. For some unemployment benefits, you have to be unemployed due to a specific COVID related reason. The Determination notice will state the issues you need to address in order to prove your eligibility for benefits.

The ALJ will ask you questions and ask if you have any supporting documents or witnesses. Make sure to mention any documents or exhibits you wish to use and the fact that you sent them to your former employer and the ALJ before the hearing. The ALJ will ask your former employer questions, too (if applicable).

Try to be clear and concise when telling your story and use your outline to make sure you hit all of your points. You will typically not be able to present additional evidence at a later stage of the proceeding.

Finally, you should think about what your former employer or DWD's response will be to your presentation of events. Consider what your former employer may say happened and how you can respond to your employer's version of events.

After the Hearing

The ALJ will issue a decision in writing and post it in your Uplink account. If the ALJ does not rule in your favor, you will receive information about how to continue your appeal with the Review Board. Like initial hearings, the deadline to appeal to the Review Board is very short, typically 15 days. If you wish to appeal to the Review Board, submit your appeal promptly. Appeals by the Review Board are typically conducted by listening to the audiotape of the ALJ hearing.

If, after the conclusion of your appeal, you have an overpayment, that will become a debt DWD will try to collect. There is a separate process for seeking a waiver, which if granted, DWD will waive collection of the overpayment. See ILS' **Guide on Overpayments and Waivers**.