

La Compensación por Desempleo

Instrucciones para Solicitar los Documentos de la Proposición de Pruebas

Si tiene un caso pendiente ante la Oficina de Apelaciones de casos de Compensación por Desempleo, usted necesitará solicitar un “*discovery*” (proposición de pruebas) del previo empleador. El “*Discovery*” es cualquier documento o cualquier otro informe que sea importante en cuanto a su caso. Mediante el “discovery” se tiene la oportunidad de revisar todos los documentos que se presentaran en la audiencia. A continuación, se describen algunos pasos a seguir para completar la solicitud:

1^{ra} Solicitud de Documentos

- ▶ Complete el formulario titulado “Request for Production” (Solicitud de Documentos).
- ▶ Lleve este formulario al previo empleador. Si no puede llevarlo personalmente, quizás lo pueda enviar por correo certificado con recibo de entrega.
- ▶ Si no recibe respuesta dentro de tres (3) días, vea el próximo paso.

2^{da} Petición para Ordenar el Cumplimiento de la Proposición de Pruebas

- ▶ Complete el formulario titulado “Motion to Compel Discovery” (Petición para Ordenar el Cumplimiento de la Proposición de Pruebas)
- ▶ Presente este formulario en la Oficina de Apelaciones de Miami por fax al 305-377-5328
- ▶ Solicite un recibo por la copia de la petición que presente.

AGENCY FOR WORKFORCE INNOVATION
MIAMI APPEALS OFFICE

DOCKET NO.

Claimant

Claimant,

v.

Employer.

REQUEST FOR PRODUCTION

Claimant requests, pursuant to Rule 60BB-5.018, Florida Administrative Code, and Rule 1.350(b), Rules of Civil Procedure, that the employer in the above referenced case produce to the claimant within three (3) business days of the date of this request the following:

1. A copy of the complete employee file of the claimant.
2. A copy of the written policies, procedures, or rules, such as employee handbooks, that govern the conduct of the employer's employees.
3. A copy of the documents that the employer intends to submit as evidence at the hearing.
4. A list of the witnesses that intend to testify on behalf of the employer at the hearing with a statement as to what each of the witnesses will testify to.
5. A copy of all written warnings given to claimant, if any.
6. A copy of the separation letter or memorandum, if any.
7. A copy of all memoranda, documents, and letters related to the separation of the claimant from employment.

8. Additionally, produce the following: _____.

If the employer refuses to comply with this Request for Production, the claimant will move for an Order to Compel Discovery pursuant to Rule 60BB-5.018, Florida Administrative Code, and Rule 1.380, Rules of Civil Procedure.

I HEREBY CERTIFY that a copy of this request was delivered to the employer at the above address this _____ day of _____, 2009.

Respectfully Submitted,

AGENCY FOR WORKFORCE INNOVATION
MIAMI APPEALS OFFICE

DOCKET NO.

Claimant,

v.

Employer

[address]

Employer.

MOTION FOR ORDER TO COMPEL DISCOVERY

Claimant moves, pursuant to Rule 60BB-5.018, Florida Administrative Code, and Rule 1.380, Rules of Civil Procedure, that the appeals referee in the above referenced case issue an Order to Compel Discovery ordering the employer to produce at least five (5) days prior to the hearing, the following discovery:

1. A copy of the complete employee file of the claimant.
2. A copy of the written policies, procedures, or rules, such as employee handbooks, that govern the conduct of the employer's employees.
3. A copy of the documents that the employer intends to submit as evidence at the hearing.
4. A list of the witnesses that intend to testify on behalf of the employer at the hearing with a statement as to what each of the witnesses will testify to.
5. A copy of all written warnings given to claimant, if any.
6. A copy of the separation letter or memorandum, if any.
7. A copy of all memoranda, documents, and letters related to the separation of the claimant from employment.

8. Additionally, produce the following: _____

_____.

9. The employer refused to voluntarily disclose discovery which is necessary to present claimant's case at the hearing.

10. Specifically, claimant attempted to obtain voluntary discovery by [describe in detail what you did and how the employer refused]: _____
_____.

WHEREFORE, claimant requests that an order compelling discovery be issued.

I HEREBY CERTIFY that a copy of this request was delivered to the employer at the above address this _____ day of _____, 2009.

Respectfully submitted,

(Claimant)

(Claimant's address)

(Claimant's telephone no.)