

THE UNEMPLOYMENT INSURANCE PROGRAM:

An Explanation of its Procedures and the

RIGHTS OF FLORIDA WORKERS

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**THIS PAMPHLET IS DESIGNED TO PROVIDE INFORMATION ABOUT THE
UNEMPLOYMENT INSURANCE PROGRAM IN FLORIDA.**

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ABOUT USING THIS BOOK

We have tried to make this book accurate. However, it is hard to put laws and regulations into everyday language. Remember that the law changes. This book is accurate in printing. It may become out of date. Certain words are followed by an asterisk.* This means that the word is defined in the glossary of terms (Chapter VI). Look up any word if you are not sure what it means.

I.

WHAT IS UNEMPLOYMENT INSURANCE?

Unemployment insurance gives unemployed workers money so the worker can take time to find a job without having to spend savings, accept welfare, or be forced to take the first job that comes along.

Employers pay a special tax into a fund designed exclusively for paying unemployment benefits to eligible individuals. Unemployment is not welfare. It is a job benefit like social security.

II.

WHO IS ELIGIBLE?

Unemployment benefits are available for all citizens and permanent legal aliens who meet these eligibility requirements:

- A. You must file a claim for benefits;
- B. You must be able to work, eligible for work, and looking for work;
- C. You must meet certain wage requirements;
- D. You must serve a waiting period of one week (A through D are explained below).

Certain types of jobs are not covered by the unemployment program (unless the employer chose to provide coverage). These include: workers employed by a church, a club or independent contractors.

You may file for unemployment benefits if you are totally unemployed or if you are partially unemployed. Partial unemployment is when your full time hours are reduced, even if you are not completely laid off. You may contact a Claims Office Representative to learn more about partial unemployment benefits. Filing a claim is your right and you should insist on doing so even if the

Claims Office Representative thinks you do not qualify.

A. HOW DO I FILE A CLAIM FOR UNEMPLOYMENT BENEFITS?

When you become unemployed go in person to your local One Stop Career Center and request an application. You must complete the application and mail it to the Unemployment Compensation HUB Center. The address for the HUB Center processing claims for South Florida claimants is:

Agency for Workforce Innovation
Unemployment Compensation Claims Center
P.O. Box 5608
Ft. Lauderdale, FL 33310-5608.

You may also file an application on the internet at www2.myflorida.com. You must make sure you receive a confirmation number before logging off or your application will not be processed.

You will be asked the reason for leaving your job. Read the sections on misconduct* and voluntary quit* beginning on page 8 before you answer these questions. Understand the law and tell the facts of your case in the most favorable way. NEVER LIE or sign something you don't understand. If you were discharged or fired by your employer, indicate this in your application. A lay-off generally occurs when an employer is closing the business or is reducing staff. Do not indicate that you were laid off if you were actually discharged from your employment.

You will also be asked to fill out a questionnaire. (A copy is in the back of this book, page 28). Read section III of this book before answering these questions. Your answers could disqualify* you from receiving unemployment compensation. For instance, if you say that you must take care of your child and therefore can't take a full-time job, you cannot get unemployment. The law says you must make plans for day-care if you are offered a full-time job. Know the law. Never answer a question you don't understand. NEVER sign something you don't understand, isn't correct, or doesn't say what you mean.

You will be asked about why you left your job. Read your statement carefully. Don't sign

unless the statement is complete, correct, and you understand everything it says.

After the claims office has taken your claim, you will receive a Wage Transcript* in about two weeks. This will show how much you earned. It is a good idea to keep your pay stubs to prove your earnings. **If the earnings information is incorrect, you must file an appeal within 20 days of the date the Wage Transcript was issued.**

The Claims Office will notify your past employers that you have filed for benefits. The employers have a chance to tell their side of the story. The Claims Office will then decide if you are eligible* for benefits. They will mail you a notice stating whether you are eligible* for benefits or disqualified* from receiving benefits. That decision will be final if an appeal is not filed in time (within 20 days).

If the Claims Office finds you eligible* for benefits, your employer can appeal. It is your right to receive benefits while your employer's appeal goes on. **It is true that you may be obligated to repay these benefits if you lose your appeal.** Some Claims Representatives and One Stop Career Center workers therefore try to discourage people from accepting their benefits. But it is usually better to receive your benefits while the appeal goes on. (See page 13, Overpayments).

If the Claims Office finds you are disqualified* for benefits you will not get unemployment unless you appeal within 20 days AND win your appeal. See Chapter V, The Appeals Process, page 12, FOR DIRECTIONS ON HOW TO APPEAL.

B. ABLE AND AVAILABLE FOR WORK

You must be able and available for work. Therefore, if, for example, you become disabled or your doctor says you cannot work, then you will be ineligible for unemployment compensation. You may, however, be eligible for either Social Security Disability Insurance (SSDI), Supplemental

Security Income (SSI) or both. You can apply for these benefits at your local Social Security office.

If you are attending school, staying home to take care of your children, or not looking for work, you may be disqualified from receiving unemployment compensation. You must make yourself available to work and make efforts to find work. In general, you should make two employment contacts per week. You should maintain a written log of your work search and attempts to find work.

C. WHAT WAGE REQUIREMENTS MUST I MEET?

To be eligible for unemployment benefits, you must also meet certain earnings requirements during a period of time called the “base period”. Your “base period” is a one year period which begins five calendar quarters before the quarter in which you file your claim for unemployment benefits. To illustrate:

1. Every calendar year is divided into 4 calendar quarters:
1st: January, February, March
2nd: April, May, June
3rd: July, August, September
4th: October, November, December
2. If you filed your claim on August 5, 2002 you have filed in the 3rd calendar quarter. Starting with the last full quarter prior to the quarter in which you are filing your claim, the 2nd quarter here, count back 5 calendar quarters. This takes you to the quarter beginning April 1, 2001.
3. Your “base period” then is April 1, 2001 to March 31, 2002.

Before you can become eligible for benefits, you must be monetarily eligible. To be monetarily eligible you must meet the following requirements:

- a. You must have wage credits in two or more calendar quarters in your base period (you must have earned work income in at least two of the

quarters in your base period);

- b. You must have earned at least \$3400 in wages in the base period ; and
- c. Your total base period wages must be at least 1.5 times your high quarter wages.

QUARTER	EARNINGS
2001 April, May, June	\$0
2001 July, August, September	\$1800
2001 October, November, December	\$2000
2002 January, February, March	\$1000

In the example, the claimant is monetarily eligible because he/she has wage credits in 2 or more quarters, has earned over \$3400 in wage credits during the base period, and has total wages of \$4800 which is more than 1.5 times higher than the high quarter wages ($\$2000 \times 1.5 = \3500).

After your base period and wage credits have been determined, your weekly benefit amount and the duration of your benefits must be calculated. Your weekly benefit amount shall be an amount equal to one-twenty-sixth of the total wages paid during the quarter of your base period where the wages were highest. However, it will not be less than \$32 or more than \$275.

The duration of your benefits is based on the available credits you are entitled to receive. The available credits will be 25 percent of your total wage credits, not to exceed \$7150.

In the above example, the individual would be eligible for a weekly benefit amount of \$76.00 (highest quarter wages of \$2000 divided by 26 = \$76). The individual would be eligible for up to \$1200 in unemployment compensation benefits (25% of the total wages, $\$4800 = \1200). This will

paid to the individual over 16 weeks ($\$1200 / \$76 = 15.78$ weeks).

If you have received any unemployment benefits in any benefit year prior to your claim, you must also have worked since that time and have earned at least 3 times your present weekly benefit amount before you become eligible for benefits from your present claim.

D. WHAT IS A WAITING WEEK?

You must apply for unemployment and meet all the eligibility requirements for one week before you can begin to collect benefits.

III.

STAYING ELIGIBLE

To continue to be eligible to receive unemployment benefits, you must report to the Claims Office by telephone or mail in your reporting form as you are instructed. Even though you meet the other requirements, you may be completely or temporarily disqualified* from receiving unemployment benefits if it is found that you:

- A. Voluntarily quit your job without a good reason attributable to your employer;
- B. Were fired for misconduct related to your job;
- C. Refuse a suitable job offer;
- D. Are not able and/or available for work;
- E. Are involved in a labor dispute. (A through E are explained below).

A. WHAT IS VOLUNTARY QUIT?

If you voluntarily quit your job without a good reason attributable to your employer, you will be disqualified* from receiving benefits. This means, if you quit for a good reason that wasn't your employer's fault, you will be disqualified. For example, if you quit to get married, to take care of

a sick relative, because you don't like your job or your shift, or to go work for someone else, you will be disqualified.

It is good cause (that is, you can get benefits) if you quit because of working conditions so unsafe or unfair that the average worker in your situation would also quit. Examples of good cause:

- A. Employer requires you to do something illegal;
- B. Employer is physically abusive or sexually harassing you;
- C. Employer illegally refuses to pay overtime.

Before quitting, you must make a reasonable effort to keep your job. This means that you must discuss the problem with your supervisor or manager and give the employer an opportunity to fix the problem before you decide to quit. You should have evidence of your efforts to resolve the problem such as a witness or a copy of a letter sent to the employer by certified mail explaining the problems that must be corrected.

B. WHAT IS MISCONDUCT?

If you are fired for misconduct related to your job, you will be disqualified from receiving benefits. Misconduct is "an intentional disregard of the employer's interests". These are examples of misconduct:

- A. Violating reasonable company rules which you were aware of;
- B. Stealing from your employer;
- C. Starting a fight on the job;
- D. Excessive unauthorized tardiness or absenteeism;
- E. Disrespectful conduct towards a customer or supervisor;
- F. Loafing on the job (not trying to do a good job).

These are examples which are not misconduct (that is, you are eligible for benefits).

- A. You're fired because you were too sick to come to work;
- B. You're fired because you refuse to perform a dangerous job after you have told your employer about the danger;
- C. You're fired because your work wasn't good enough when you tried your best.

C. WHAT HAPPENS IF I REFUSE A SUITABLE JOB OFFER?

If you refuse a suitable job offer you will be disqualified* from receiving benefits. A suitable job is work which you are physically able to do and which you have the training to do. The working conditions must be reasonable. The longer you are unemployed the more flexible you must become as to wages, location and type of work.

After you have been unemployed 25 weeks, you must take/accept an otherwise "suitable" job that pays 120% over your unemployment benefits. EXCEPT: You must make at least minimum wage, you cannot be forced to take a job made vacant by a strike or which requires you to join or resign from a union.

If you use up your regular unemployment benefits (26 weeks at most) you may be eligible to begin receiving extended benefits* if they are available. A "suitable" job must pay only 100% of your extended unemployment benefits.

D. WHAT IS AVAILABLE FOR WORK?

If you are not available for work, you will be disqualified from getting unemployment.

You must be physically and mentally able to work in your usual occupation and be actively looking for work. If you are out of town on vacation and not looking for work, you are not eligible for benefits during this period. You must be ready, willing and able at all times to accept a suitable

job unless you have “good cause” to refuse it (for example: the job pays less than the minimum wage or if there is no transportation to and from the job). Not all reasons that seem to you to be “good cause” to refuse a job offer are permissible according to the Unemployment Compensation law and regulations. Consult a Claims Office Representative if you have questions about refusing a “suitable” job.

If you go to school during the work day which is usual in your occupation, you should be willing to quit school if you find a job. (Unless the school is a training program approved by the Unemployment Compensation program). However, it may be acceptable if you look for work during a shift which doesn’t conflict with your classes.

“Available for work” also means that you must be actively looking for work on your own. Registering at your local One Stop Career Service Center alone is not enough. You must also look for a job by applying in person with employers who might have suitable jobs for you, answering want ads, taking Civil Service exams, or other similar activities. The Unemployment Compensation Program considers applying for work in person the best way to look for a job.

You have some choice about the jobs you can take during the period you are eligible for benefits. But you will not be considered “available for work” if you place unreasonable restrictions on the job, the salary, the shift or other conditions of work you will accept. The key words here are “unreasonable restrictions”. The longer that you are unemployed, the more unreasonable it is for you to restrict your job search to only the same type job you did before the same salary. Let common sense be your guide, but again, be sure to consult with a One Stop Career Service Center worker or Claims Representative or a lawyer if you have any questions about your job search.

If you are receiving extended benefits*, your job search requirements are much greater. You

must write down everything you do to look for work on the form the Claims Office gives you. The claims office will explain these requirements. Generally, they consider in person job applications the best way to look for work. Just reporting to a union hiring hall is not enough.

E. WHAT IF I AM NOT ABLE TO WORK?

If you are not physically able to work, you will be disqualified* from receiving benefits. Generally, pregnant women are presumed to be able to work unless there is a doctor's statement to the contrary, but unemployment will look at the circumstances in each case before determining the woman's ability to work. If you are sick and do not report on your scheduled day, you will be disqualified for the entire week.

F. WHAT IF I'M UNEMPLOYED BECAUSE OF A STRIKE?

You will be disqualified* from receiving benefits if your unemployment is due to a labor dispute. (Any controversy over conditions of employment, contract negotiations, failure to cross picket lines, etc. unless you are not participating in, or directly interested in the strike).

G. WHAT IF I'M DISQUALIFIED?

If you are disqualified, you will not receive unemployment benefits.

If you are disqualified from receiving benefits, you will receive a written notice. This disqualification notice informs you of your appeal rights. If you disagree with unemployment's reasons for disqualifying you, be sure to APPEAL THE DECISION within the time period stated in your notice. Check the section in this pamphlet on "The Appeal Process" for more information.

(Page 13).

IV.

OVERPAYMENTS

If the Claims Office determines that you have received benefits to which you were not entitled, they will send you a “Notice of Overpayment” showing the weeks and the amounts that you were overpaid. You can appeal this decision by following the directions in the decision. (See also, Chapter V, The Appeals Process, below). If you lose on your appeal, Unemployment can sue to collect the amount you were overpaid, or deduct the overpayment from any future benefits for which you may be eligible within the next two years.

If Unemployment finds that you were overpaid because of misrepresentation* or fraud* two things could happen. You shall be liable to pay the sum overpaid, or, if Unemployment decides, you could have this overpaid sum deducted from future unemployment compensation benefits. A finding of fraud must be made within 2 years of the commission of the fraud or misrepresentation. No such recovery or recoupment can be made after 5 years from the date of redetermination or determination.

However, you could be prosecuted for fraud and risk going to jail. If charged you should seek legal help immediately.

V.

THE APPEAL PROCESS

There are several stages in the Appeal Process. Beginning at the Claims Office, notices of favorable or unfavorable decisions are mailed to employees and employers.

It is extremely important that you READ THE ENTIRE NOTICE including the fine print. All the necessary information for filing any appeal is contained on each decision and notice.

A. FILING THE APPEAL

The first step in the appeal process is filing your appeal. If an appeal isn't filed, the decision denying benefits is final and you can't change it. If you are denied benefits, you should request your appeal right away. You have twenty (20) days from the date on the denial notice to file your appeal. (Not twenty days from the date you received it in the mail).

You can file your appeal by fax or by mail. Your local One Stop Career Service Center **CANNOT ACCEPT YOUR APPEAL.** However, you can request their assistance in faxing the form to the proper place. The One Stop Career Service Center worker can provide you the proper form. You will also find the appeal form in the application you receive when you request an application form. (See Form on page 24). If you cannot get to the One Stop Career Service Center, you may appeal by mail. Write a letter saying you appeal or use the form on page 24 and fill in the blanks and fax it to the Appeals Office or mail 2 copies to the address listed under "Section IV. Appeal Rights" of the determination you received. Keep a copy of the fax confirmation page as proof of when you filed your appeal. If you choose to mail your appeal, one copy should be sent by CERTIFIED MAIL RETURN RECEIPT REQUESTED. The second copy should be sent by regular mail.

After the Claims Office receives your appeal, you will receive a notice setting the time and place for your appeal hearing. The notice will tell you what issues the appeal will cover.

B. PREPARATION FOR THE APPEAL HEARING

Good preparation wins hearings! You do not have to do everything suggested here. Not everything is right for every case. But the more preparation you do, the better your chances of winning your appeal. Since some of the tactics suggested here take time, you may have to get your

hearing postponed. (A sample Request for Continuance is on page 25). Since delays in having the hearing will delay your benefits (if you're the one who appealed), you may decide not to request documents or subpoenas. This is up to you. You must decide if you can win your case without this proof.

REMEMBER TO CONTINUE TO REPORT TO THE CLAIMS OFFICE as scheduled while the appeal goes on.

1. To prepare for the hearing you must understand the issues which will be decided.

Here's an example: Your employer fired you because you were absent a lot. He says he warned you that if you were absent any more he'd fire you. You were out of work a lot, but you were sick each time. The issue is: Were you fired for misconduct? This should be shown on the hearing notice. On the front page of the Notice it says "Issues involved in the appeal."

2. Understand the Law. Re-read the part of this book on misconduct. You see that misconduct is "an intentional disregard of your employer's interests." You know you did not **intend** to miss work. You were sick and couldn't help it. You should obtain doctor's notes for the dates you were absent to support your claim of illness and inability to report to work.

For a better understanding of the law (which the hearing referee will use in deciding your case) do not hesitate to call an attorney with expertise in unemployment compensation law.

3. Understand the Employer's case against you. You should receive a copy of the relevant documents associated with your unemployment compensation claim along with your Notice of Hearing. You must review these documents prior to your hearing. If you do not receive these documents, call the Appeals Office (the phone number is on your hearing notice) and make arrangements to review your file or request to have a copy mailed to you. You are entitled to free copies.

The file will contain your employer's statements about why you were fired. The employer's allegations may be in a statement he/she provided by telephone or in a written statement submitted to the Unemployment Compensation office. Read the entire file and take notes. Read your own statements to make sure you don't contradict yourself at the hearing.

Example: Your employer's statement says "She was out 15 days in one month. I gave her a written warning and she stayed out again". You know you weren't out that much and you never got a written warning. How do you prove it?

4. Production of Documents. You must look at your employer's personnel records to see why he says you were out 15 days and got a written warning about absence. Call your ex-employer and ask to see your time sheets and personnel records. Instructions on how to obtain valuable information from your employer is on page 27 along with the forms to use on pages 27A to 27D.

The referee will send a letter ordering the employer to show you the records. The letter will state the time and place these records must be shown. Go and read the records carefully and take notes. Make xerox copies if you can.

Example: You read your records and they show you were absent from work January 1st, January 2nd, March 3-7, and April 6-21. There is no written warning in your personnel file. You checked your pay stubs and see that the dates are correct but you were on vacation from April 6-21. You remember that on January 1st, you went to work but your supervisor, John Jones, sent you home because you had a fever. How will you prove this at your hearing? Of course, you can tell the referee you were sent home. But, it is always better to have other proof.

5. Subpoenas. It is your right to have the referee order witnesses to come to your hearing. The referee can also order that documents be brought to the hearing. A form to Request a Subpoena is on page 26. Fill in the blanks and bring it to the referee's office.

Example: You want a subpoena to order John Jones to come to your hearing. You also want him to bring your personnel file and time records with him. (But

remember, witnesses may lie. Will John Jones tell the truth? If you're not sure, don't subpoena him. You may want to phone him and ask him what he will say under oath).

The referee will issue a subpoena ordering John Jones to attend your hearing. This must be served (handed to) John Jones. Any adult can serve the subpoena (not you). Your friend serves the subpoena and signs it in front of a notary. You bring this signed affidavit with you to the hearing.

6. Plan to prove your case: Write a list of the points you must prove.

Example: (a) You were sick January 1-2. Prove this with your testimony, John Jones's testimony and a doctor's note if available;
(b) You were sick on March 3-7. Prove this with your testimony.* If you were seen by a doctor get a note. If you were seen at a hospital, get copies of the hospital records. If prescriptions for medicine were given, bring the prescription bottle. This proof must be brought to the hearing; and
(c) You were on vacation April 6-21. Your pay stubs prove this. Bring them to the hearing.

C. THE HEARING

The hearing will be held via telephone on the date and time stated on your notice of hearing. The notice will also indicate the telephone number where you will be contacted for your hearing. It is your responsibility to be available on the date and time of the hearing. If you wish to be contacted at a telephone number different than what is listed on the notice, you must notify the Appeals Office prior to the hearing. You may be asked to provide written notification via fax of the telephone number you wish to use. You must also submit whatever evidence you wish to reply upon prior to the hearing. You may do so by mail or fax. Retain your copies so that you may refer to them at the hearing as needed.

Prepare a list of the points you want to raise at the hearing. Have paper and a pen for taking notes. Have a calendar if the dates are confusing. Note that if you do not speak English or need a translator ask the Appeals Office as soon as possible to provide you a translator at the hearing.

The hearing is held by an appeals referee* who will hear the evidence and make a decision in your case. She will swear in the witnesses (including you) and let each side tell their story. In a misconduct case, the employer tells his story first. The hearing is tape recorded and the tape will be transcribed (written down) and used as evidence if there is an appeal to Court.

Example: Your employer states that you were out too much and were fired. He says you were out 15 days in one month and received a warning. He reads from your personnel file that you were absent January 1-2, March 3-7, and April 6-21. After he has testified, you can ask him questions (cross examine him).

YOU ASK: Were these the only days that I was absent?

ANS: As far as I know.

Q: Do you know why I was absent on those days?

ANS: No.

Q: You stated to Unemployment on Form ES931 that I received a written warning not to be absent any more. Why isn't it in my personnel file?

ANS: That was a mistake. You were warned orally by Steven Smith, Head Clerk.

Q: How do you know that?

ANS: He told me.

STATEMENT TO REFEREE: OBJECTION, HEARSAY (a statement made by someone not present at the hearing and which goes to the matter asserted - misconduct on the job), Mr. Smith is not here to testify.

REFEREE: Objection noted.

STATEMENT TO REFEREE: No further questions of this witness.

Next you get to testify. (Tell your story) You tell the referee that you were absent on January 1-2 but were sent home from work by your Supervisor because you had a fever. You were absent March 3-7 and have a doctor's note to prove that you were sick. Give the referee the note. You were absent April 6-21. You were on vacation. Give the referee your pay stubs. Then you call your witness, John Jones.

Q: (From you): Mr. Jones, do you remember sending me home on January 1st?

A: (Mr. Jones): I remember you said you were sick. I don't know if it was true.

Q: But you did send me home?

A: Yes.

STATEMENT TO REFEREE: No further questions.

Closing Statement

After hearing the evidence, the referee will let each side make a closing statement. You should make a short statement explaining how you could have proved your CASE:

Example: I have shown that I was out of work twice because I was sick. My other absence was a vacation. I received no warning about being absent. I am not guilty of misconduct and I went to work whenever I was not sick.

D. THE DECISION

The referee will send you a written decision. Either party may appeal this decision within 20 days. If you believe the referee made a mistake in ruling against you, you must FILE AN APPEAL BEFORE IT BECOMES FINAL. The Appeal must be filed with the Unemployment Appeals Commission. See sample Request for Review and brief on pages 28 and 29.

E. FURTHER APPEALS

After the referee hearing, the losing party can appeal within 20 days from the date on the

decision (not the day you received it). At this point it is best to GET A LAWYER. You may call the Miami Dade Lawyer Bar Referral Service at 305-350-5297.

If you cannot get a lawyer it is possible to file your own appeal. A form requesting an appeal and a free copy of the tape recording of the hearing is on page 28. When you receive your tape of the hearing write a letter to the Commission explaining why you should win and point out parts of the tape which help your case. This letter is called a brief* and a sample using our example is on page 29. Mail it quickly.

The Commission will issue a written decision and the losing party can appeal to the Court within 30 days. Get a lawyer if your employer appeals to the Court, or if you lost and still think you have a good case. The Court will order Unemployment to pay your attorney if you appeal and win in Court. You may call Legal Services of Greater Miami, Inc., at 305-576-0080 for additional information on how to appeal to the Court.

VI. GLOSSARY OF TERMS

The following terms are used by Unemployment and to some extent, in the legal profession. The terms will help you become more familiar with notices and decisions that you have and will receive. This list is not complete, however, and should you come across a word that you do not understand, check with your local Claims office.

AFFIRM: This is a term used in Referee and the Unemployment Appeals Commission decisions. It means that a prior decision affecting you is considered to be correct unless it reversed by a higher level in the Appeal Process.

APPEALS COMMISSION: The division of Unemployment that reviews the appeals referee decision.

APPEALS REFEREE: The person who conducts the hearing, takes evidence and makes a decision.

BRIEF: A letter submitted to the Unemployment Appeals Commission that contains a person's arguments and explanations as to why the Commission should affirm or reverse the Hearing Officer's decision.

CLAIMANT: A person who demands that benefits be provided to them. That is, YOU.

CLAIMS OFFICE: The office of the Division of Unemployment Compensation where you file your initial application or claim for benefits. Where the first decision about eligibility for benefits is made.

CROSS-EXAMINE: To question someone very closely during a hearing in order to check if their testimony is the same as earlier testimony which they have provided.

DETERMINATION: The initial decision made upon the claim which you have filed. This decision will either state whether you have been found eligible or, in the event you are disqualified, the reasons for the denial.

DISQUALIFY: Not ELIGIBLE for benefits. If you are disqualified and don't appeal you will not get benefits.

DIVISION: Division of Unemployment Compensation of the Agency for WorkForce Innovation.

ELIGIBLE: Allowed to get or entitled to get benefits.

EVIDENCE: Information that is used by a Claims Representative, Appeals Referee, Unemployment Appeal Commission, or Judge to make a decision.

EXTENDED BENEFITS: Unemployment benefits paid under a special federal program

during periods of high unemployment. These are the benefits you collect after you have received all your regular unemployment checks.

FRAUD: Knowingly telling a lie or withholding important information.

GOOD CAUSE: For voluntary quit: Good cause simply means whether or not the employee has a good reason for their actions (quitting); and the reason is something the employer was responsible for correcting. IF YOU DO NOT HAVE GOOD CAUSE ATTRIBUTABLE TO THE EMPLOYER FOR QUITTING, YOU ARE DISQUALIFIED FROM RECEIVING UNEMPLOYMENT COMPENSATION. See page 8.

HEARING: A hearing is held when someone appeals a Claims Office decision. All parties give evidence and a new decision is made by the Appeals Referee.

MISCONDUCT: An intentional disregard for the employer's interest. See page 9. If you are fired for misconduct you are DISQUALIFIED FROM RECEIVING UNEMPLOYMENT BENEFITS.

MISREPRESENTATION: Knowingly telling a lie or withholding important information.

REDETERMINATION: A decision made by the division whenever it is discovered that there has been an error or new evidence or information is found.

VOLUNTARY QUIT WITHOUT GOOD CAUSE ATTRIBUTABLE TO THE EMPLOYER: The Claimant quit his/her employment and the reason for quitting is not the employer's, but the Claimant's fault. This disqualifies you from receiving benefits.

WAGE TRANSCRIPT: A statement of your wages during your base year and the amount of unemployment you are eligible to receive.

VII.

SAMPLE FORMS

UNEMPLOYMENT COMPENSATION APPEAL

You may appeal an adjudicator's determination on-line at www.fluidnow.com/appeals or complete and fax or mail this form to the fax number or address below. You may attach additional pages/documents. **Include the claimant's social security number on each page.** Any appeal must be filed within 20 calendar days after the mailing date shown on the determination. If the 20th day is a Saturday, Sunday, or legal holiday, the time for filing an appeal is extended to the next business day. The filing date will be the United States Postal Service (USPS) postmark date or the date the appeal is date-stamped received if faxed or sent via a delivery service other than USPS. If filing more than 20 days after the mailing date, explain why the appeal should be considered timely. **Claimants: Continue claiming weeks as scheduled while you are unemployed and any appeal is pending. If a decision is in your favor, only properly claimed weeks can be paid.** Call 1-866-778-7356 toll-free if you have questions about your claim or need instructions for claiming weeks.

Claimant's Name _____
***Claimant's Social Security Number:** _____
Mailing Date of the Determination Being Appealed: _____
Determination ID# (If shown on the determination): _____
Mark one: I am: the claimant, the claimant's representative, the employer, the employer's representative
Reason for Appeal: (You may attach additional pages.) _____

My name is: _____ **My telephone number is:** _____

Signature: _____ **Date:** _____

I need a translator for the hearing. Specify language: _____.

Provide the following information if different from or not shown on the determination being appealed.

Claimant's Mailing Address: _____ **Telephone #** _____
City, State, Zip Code: _____

Employer Account Number: _____ **Telephone #** _____

Employer Name _____

Mailing Address: _____

City, State, Zip Code: _____

Job site location: _____

If you are a representative filing on behalf of a claimant or employer, the following information is required:

Representative Name: _____ **Telephone #** _____

Mailing Address: _____

City, State, Zip Code: _____

Fax this completed form to the Office of Appeals at (850) 921-3524 or mail to:

AWI Office of UC Appeals
Caldwell Building MSC 347
107 E Madison Street
Tallahassee FL 32399-4143

***PRIVACY ACT STATEMENT:** Provision of the claimant's social security number is mandatory pursuant to 42 U.S.C. 1320b-7(a) and will be used to enable the association of claim records with this appeal as authorized by Section 119.071(5)(a)2., F.S.

An equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities. All voice telephone numbers on this document may be reached by persons using TTY/TDD equipment via the Florida Relay Service at 711.

Notice of Appeal Form # AWI - A100 (10/06)

REQUEST FOR CONTINUANCE

Date: _____

Address of the appeals office: _____

Re: Request for Continuance
Claimant: _____
S.S. No.: _____
Docket No.: _____

Dear Appeals Referee:

Please continue my hearing scheduled for _____
at _____ o'clock. My reason for needing a
continuance is: _____

_____.

Sincerely,

Claimant

cc: Employer

REQUEST FOR SUBPOENA

Date: _____

Address of appeals office: _____

Re: Request for Subpoena
Claimant: _____
S.S. No.: _____
Docket No.: _____

Dear Referee:

I request that a subpoena be issued requiring

Name of Witness: _____
Address: _____

to be present at my hearing on _____ at _____
And that (s) he be **ORDERED TO BRING** the following documents:

_____.

Sincerely,

Claimant

Unemployment Compensation **Discovery Request Instructions**

If you have a case pending at the unemployment compensation Appeals Office, you will need to request *discovery* from your former employer. *Discovery* is any document or other record that would be relevant to your case. The purpose of discovery is to have an opportunity to review all documents that will be presented at your hearing. Outlined below are the steps to follow to complete your request:

1st Request for Production

- ▶ Complete the form titled Request for Production.
- ▶ Take this form to your former employer. If you are unable to bring the form in person, you may send it via certified mail return receipt.
- ▶ If you do not receive a response within 3 days go to the next step.

2nd Motion for Order to Compel Discovery

- ▶ Complete the form titled Motion to Compel Discovery
- ▶ File this form at the Miami Appeals Office by fax at:
Fax: 305-377-5328
- ▶ Keep a fax confirmation copy of the motion you file.

APPEAL TO THE UNEMPLOYMENT APPEALS COMMISSION,
MOTION FOR EXTENSION OF TIME TO FILE BRIEF,
REQUEST FOR COPY OF HEARING TAPE AND HEARING EXHIBITS

DATE _____

Sent by Return Receipt Requested and U.S. First Class Mail to the following address:

Unemployment Appeals Commission
Suite 101, Rhyne Byuilding
2740 Centerview Drive
Tallahassee, FL 32399-4151

RE: Claimant: _____
Docket No: _____
Social Security No: _____

Dear Commission:

I am requesting an appeal to the Unemployment Appeals Commission. I am also requesting a copy of the hearing tape and exhibits. Also provide me with a 45 day time extension from the date you mail the hearing tape and exhibits to file my brief. Thank you.

Sincerely,

Name

Address

City, State, Zip

Telephone No.

BRIEF IN SUPPORT OF APPEAL

SAMPLE ONLY

BRIEF

Date _____

Unemployment Appeals Commission

Suite 101, Rhyne Building

2740 Centerview Drive

Tallahassee, FL 32399-4151

Claimant's Brief

S.S. No.

Appeal No.

Dear Sir:

I believe the referee was correct in giving me benefits and my employer's appeal should be denied. As the referee said, I only missed work if I was sick or on approved vacation. Misconduct is defined as intentional interference with the employers interests. § 443.036 Fla. Stat.

I am not guilty of misconduct.

Sincerely,

Claimant