

# **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:

## **1<sup>st</sup> 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.

## **2<sup>nd</sup> 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.

AGENCY FOR WORKFORCE INNOVATION  
MIAMI APPEALS OFFICE

DOCKET NO.

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Claimant

Claimant,

v.

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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.)