

## DON'T SETTLE FOR UNEMPLOYMENT HEARINGS BY PHONE

If you are denied unemployment and you receive a notice that you have been scheduled for a phone hearing, write back immediately to request a face-to-face hearing.



***Unemployment hearings by phone are not as good for you as an in-person hearing.***

Write to the Tennessee Department of Employment Security address that is on the card or go into the office in person as soon as possible. Be sure to give your complete name, address, and Social Security number.

## YOUR BENEFITS MAY BE CUT IF THIS HAPPENS:

- You don't make reasonable efforts to secure work;
- You don't go to a job interview that the employment office sets up for you;
- You turn down a job offer without a good reason;
- You earn too much money through part-time work.

Before your unemployment check can be cut, you must be given notice to come to the Employment Security office. If you don't go, your unemployment benefits will stop. If you do go, you will be told why they plan to stop your check. Then you can tell your side.

**W**hen it's not your fault that you lose your job, unemployment benefits can help you. If you lost your job because of one of the reasons on this list, you cannot draw unemployment benefits:

- Unemployment insurance did not cover your job;
- You did not work enough in the last 12 months to be covered;
- You already used up all of your unemployment benefits and haven't worked enough since then to earn more;
- You are not able and available for work;
- Your participation in a strike caused your unemployment;
- "Misconduct connected with work" caused you to be fired;
- You left your "recent work" voluntarily without good cause connected with your work.

Information contained in this brochure is not intended to be a substitute for legal advice. If you have a legal question, contact the legal services office near you or a private attorney.

**WEST TENNESSEE LEGAL SERVICES, INC.**

Contact Information

**731.423.0616**

**1.800.372.8346**

[www.wtls.org](http://www.wtls.org)

email: [www@wtls.org](mailto:www@wtls.org)

Offices located in  
**Jackson, Huntingdon,  
Dyersburg and Selmer**

## UNEMPLOYMENT BENEFITS

## KNOW YOUR RIGHTS



**WEST TENNESSEE  
LEGAL SERVICE,  
INC.**

## HOW TO FILE FOR UNEMPLOYMENT BENEFITS

1. File a claim for unemployment compensation with your local Department of Employment Security. The office is usually called "Job Service." This step is called the **Initial Claim**.
2. If you get a Notice of Denial, ask for a hearing immediately. You only have 15 days from the date on the Notice to ask for a hearing. You will then get another notice telling you where to go for the hearing. This step is the **Appeals Referee Hearing**.
3. If you lose at the Appeals Referee, you can appeal to a **Board of Review** within 15 days. You fill out a special form and give it to the Employment Security office. The Board of Review decides if you will get another hearing. If you have new evidence that you didn't give at the first hearing and you have a good reason for not giving it, the Board of Review may allow a second hearing.
4. If you are denied again, you have 10 days to request the Board of Review to reexamine its decision. The Board of Review may grant a reconsideration if you show good cause. This step is the **Reconsideration of the Board's Decision**.
5. **Chancery Court:** If you lose at the above steps, you have the right to file your case in the Chancery Court of the county where you reside. You must file within 30 days of receiving the decision of the Board of Review.



## PREPARING FOR YOUR HEARING

- ◆ Go to the unemployment office and ask to see your file. It is important to find out before the hearing what your employer has said about why you lost your job.
- ◆ If your witnesses do not come voluntarily, you can request the Appeals Tribunal to subpoena them by submitting their name and address to the Employment Security office in advance of the hearing. You must tell the Tribunal why you want them subpoenaed.
- ◆ Think about what you need to say about what your employer is saying. Don't take up time talking about things that have nothing to do with why you lost your job. Write a list of what you want to tell the judge.
- ◆ If the employer does show up at the Appeals Hearing and the issue is misconduct, you may wish to testify on your behalf. The employer must prove your disqualification. If the employer does not attend the hearing, your testimony is the only evidence the Appeals Referee has in making a decision on your claim.
- ◆ If the employer shows up, object to him telling what someone else said happened. The employer should testify only about what he saw or heard himself.
- ◆ If you appeal to the Board of Review, you need to request an appeal in writing. Say that you wish to appeal the decision of the Appeal's Referee. You will receive an Acknowledgment of Appeal form to be completed and mailed back to the Board of Review within seven days from the date you received the form.



## DID YOU KNOW THAT YOU CAN APPEAL

If you apply for unemployment benefits and get turned down for one of these reasons, you can ask for a different person to look at your case. They can decide if the first decision was right. You can get this review by requesting an appeal. During the appeal, you have the right to tell your side of the story.



Here are the most common issues argued on appeal:

### Misconduct

Misconduct must involve fault on your part, and the misconduct must be connected with work. Your employer must prove misconduct. Examples of misconduct are: being absent too much and fighting at work.

### Voluntarily leaving

Sometimes there is a question whether you quit, and the answer is important. If you quit, you must show that you had a good reason connected with work for quitting. If your employer fired you, misconduct connected with work must be proven in order for you to be disqualified.

### Good cause for quitting

Good cause might be illegal discrimination on the job, or dangerous working conditions. Leaving your job for a better one may be good cause (if the "better job" did not last long enough to qualify you for benefits).

