

The decision

After the hearing, the ALJ sends you a written Initial Order within two weeks after the hearing telling you the decision and explaining the result.

What if you still disagree?

If you disagree with OAH's Initial Order, you can file a Petition for Review with Commissioner's Review Office. Your Petition for Review must be in writing and must be postmarked and mailed to our Agency Records Center within 30 days after the OAH Initial Order mailing date.

Your Petition for Review must include:

- The docket number from OAH's Initial Order.
- The reason(s) you disagree with OAH's Initial Order.
- Your name and Social Security number.
- Your current address.
- Your signature.
- If your Petition for Review is late, the reason(s) it is late.

Your Petition for Review, including attachments, cannot be more than five pages. Additional pages will be returned to you and will not be considered by the Review Judge. Mail your Petition for Review to:

Agency Records Center
PO Box 9555
Olympia Washington 98507-9555

Your Petition for Review will be dismissed as improperly filed if it is mailed to any other address or sent by fax.

A Review Judge (not the ALJ who conducted your hearing) will review the case. Only OAH's Initial Order and the evidence from your hearing (the hearing tape and exhibits) will be reviewed. You will not testify, and no new evidence will be considered.

To request a copy of the hearing tape before you file your Petition for Review, call the Agency Records Center at 360-292-6064. Your request must be made within the 30-day filing deadline.

Limited English skills

If you need an interpreter, tell us in your appeal letter the language you (or your witness) speak best. An interpreter will be provided at the appeal hearing at no cost to you.

Find legal assistance

You have the right to have someone assist you at your hearing. If you need advice and cannot afford an attorney, contact:

Unemployment Law Project

206-441-9178 or 888-441-9178 (toll free)

www.unemploymentlawproject.org

1904 Third Avenue, Suite 604, Seattle, WA 98101

Northwest Justice Project

206-464-1519 or 888-201-1014 (toll free)

www.nwjustice.org

Access to Justice

www.wsba.org/atj

Washington Law Help

www.washingtonlawhelp.org

These services are offered to you free of charge.

The Employment Security Department provides this brochure to help you file an appeal. If you have questions, call the claims center at 800-318-6022.

The Employment Security Department is an equal opportunity employer and provider of programs and services. Auxiliary aids and services are available upon request to people with disabilities. Auxiliary aids may include qualified interpreters and telecommunication devices (TTY) for hearing or speech impaired individuals. Individuals with limited English proficiency may request free interpretive services to conduct business with the department.

Information about unemployment benefits

How to file an appeal



Note to employers

This brochure is primarily for people who applied for unemployment benefits, but the procedures for filing an appeal are similar for you, too. You may appeal any decision related to why someone is no longer working for you if you are the last employer or a base-year employer. You may appeal other decisions if you provided the department with relevant information regarding eligibility for a specific week. You also may appeal if we deny your request for relief of benefit charges to your account, or if we deny your request to approve or extend standby status for your workers. For more information, see page 16 of the Tax Handbook or call your District Tax Office.

When can I file an appeal?

If you disagree with a decision made by the Employment Security Department about your unemployment benefits, you have the right to appeal that decision. For example, you may disagree with:

- A final decision about your benefit amount (your final “Statement of Wages and Hours”).
- A written decision to deny or reduce your benefits.
- A decision to deny your training application.
- The reason you were overpaid unemployment benefits.
- The amount of overpayment.
- The finding that you were at fault in causing the overpayment.
- The denial of your request to waive repayment of overpaid benefits.

Note: Your employer also has the right to appeal our decisions. Department staff cannot help you write your appeal due to a potential conflict of interest. When necessary, staff will help those with disabilities or limited English skills fill out paperwork.

Continue to file your weekly claims during the appeal process. You must meet all eligibility requirements for weeks that you claim. If you win your appeal, you will only be paid for weeks you were eligible.

How do I file an appeal?

Your appeal must be in writing and postmarked or faxed to the address or fax number listed on the written decision within 30 days after the date we mailed it to you. **Your letter must include:**

- The decision that you want to appeal.
- The reason(s) you disagree with our decision.
- Your name and Social Security number.
- Your current address and telephone number.
- Your signature.
- If your appeal is late, the reasons it is late.

If you do not respond within 30 days, you may lose your **appeal rights**. Once we receive your letter, it will be filed with the Office of Administrative Hearings (OAH). If the appeal is filed late, our efforts to recover benefit overpayments will continue.

If you change your mailing address after filing your appeal, notify the claims center and OAH immediately.

How do I prepare for my hearing?

Review your file: You have the right to a copy of your claim file. When you appeal, the claims center forwards the appeal and relevant documents to OAH. When OAH schedules your hearing, they send copies of these documents to you. The documents may contain your statement, your employer’s statement, witness statements and decisions by our staff. It is important for you to review the documents to prepare for your hearing.

Usually, you cannot receive unemployment benefits if you quit your job without good cause. You may be able to receive benefits if you were fired and there was no misconduct involved. Your employer may have told us that you quit, but you think you were fired. A careful review of all information in your file will give you a good idea of what your employer might say at the hearing, and help you prepare.

Review employer records: Your employer is required by law to keep records showing your hours worked and why your job ended. You have the right to see your personnel record.

These records may be helpful in proving your case. For example, your employer may claim you were fired for missing too much work. Ask the employer for these records. If the employer denies your request, the brochure mailed from OAH with your hearing notice explains how to get a subpoena for the records.

Continue filing weekly claims

Continue filing weekly claims during the appeals process for weeks you want to be paid. If you win your appeal, you will be paid only for weeks you claimed. If you lose your appeal, you may have to repay benefits you received. If you are unable to file your weekly claims online or by phone, call the claims center for help.

What happens next?

OAH is a separate state agency from Employment Security Department that conducts appeal hearings. An administrative law judge (ALJ) will hear your case. OAH mails a hearing notice to you showing the date and time of your hearing, along with a brochure describing how to prepare for the hearing. Most hearings are conducted by telephone. During the hearing, all testimony is given under oath. Your witnesses should have first-hand knowledge of the details of the case.