

Laat deze belangrijke informatie vertalen onmiddellijk.
Tenha esta informação importante traduzida imediatamente.
Ha denne viktige informasjonen som oversatt straks.
有这重要的信息立即翻译

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この重要な情報をすぐ翻訳しなさい。

이 중요한 정보를 즉시 번역하십시오.

1. WHY IS THIS HEARING IMPORTANT?

The decision from this hearing will replace the determination that was appealed. Only one hearing level is provided by law. To protect your rights, you must participate even if the other party filed the appeal. If you cannot attend as scheduled, immediately follow the instructions in Section 9 to request rescheduling. Otherwise, you may receive an unfavorable decision. A claimant who receives an unfavorable decision will have to repay benefits that should not have been paid. An employer who receives an unfavorable decision may receive benefit charges that increase the employer's tax rate or require reimbursement to the trust fund.

Be prepared to present evidence on all issues listed on the *Notice of Hearing*. The decision will be based **only** on evidence presented at the hearing. A second appeal level exists, but includes only a review of the existing record, not a new hearing.

2. WHY WAS A HEARING SCHEDULED?

A hearing was scheduled because a Department determination was appealed. Participating in the hearing is important, even if the other party filed the appeal.

3. WHAT HAPPENS IF I DON'T PARTICIPATE?

If the party who filed the appeal participates, a hearing will be held. The decision will be based on the evidence presented. If you do not participate, your evidence will not be considered. If you filed the appeal and do not participate, your case will be dismissed.

4. WHAT ARE MY RIGHTS AT THE HEARING?

As a party, you have the right to:

- Testify in your own behalf;
- Present documents and other evidence;
- Question your own witnesses;
- Question the opposing party's witnesses;
- Examine and object to evidence presented;
- Explain or rebut evidence presented; and
- Make a closing statement at the end of the hearing.

5. HOW CAN I ARRANGE FOR WITNESSES?

Contact and ask the witness to testify. The best witness is one with personal knowledge of the facts. A witness who was present at an event is much better than one who was told about it by someone else. If possible, you and your witness(es) should be at the same location for the hearing. If a witness cannot be at your location and must be contacted at a different telephone number, provide the witness' name and telephone number to the the Office of Appeals by phone, fax, or mail. Instruct the witness to be available at the scheduled hearing time and to remain available until dismissed by you or the appeals referee

If a witness refuses to testify voluntarily, a subpoena can be requested by writing to the address on the *Notice of Hearing*. Mail or fax the request as soon as possible, so the subpoena can be served before the hearing. Include the case docket number; the witness' name, address, and telephone number (if available), as well as a detailed description of any document(s) the witness should furnish for the hearing.

6. HOW DO I PROVE I LOOKED FOR WORK?

If the issue is whether you were able and available for work, *send a copy of your work search contact sheets to the Office of Appeals before the hearing. Include each job contact date and method, as well as each employer contact's name and address.*

7. HOW DO I SHOW I FILED MY APPEAL ON TIME?

If the appeal does not appear to have been filed within the time allowed by law, the referee will first take evidence on the timeliness of the appeal. If timeliness is listed as an issue, the person who filed the appeal would be an important witness. The case will be dismissed without competent evidence of timely filing.

8. CAN I WITHDRAW MY APPEAL?

The appellant may withdraw an appeal by mail or fax to the Appeals Office address or fax number on the *Notice of Hearing* or to: Office of Appeals, PO Box 5250, Tallahassee FL 32399-5250. Include the claimant's Social Security number and docket number. In most situations, a withdrawn appeal cannot be reopened.

9. CAN I REQUEST A POSTPONEMENT?

A postponement may be requested if there is a compelling reason why you cannot participate as scheduled. The request can be made in writing before the hearing or on the record during the hearing. Include the reason you cannot participate and what, if any, attempts you made to re-arrange your schedule so you could participate. The referee will let you know in writing if

the request is granted. If a written reply is not received, **assume the request was denied.** Be available for the hearing and prepared to present your case.

10. HOW CAN I GET A COPY OF THE CASE FILE?

Copies of all documents available to the referee are enclosed with the *Notice of Telephone Hearing*. Review and have these documents with you during the hearing.

11. WHAT EVIDENCE SHOULD I PROVIDE?

The best evidence is testimony from a person who was present at an event and can answer specific questions about what happened. Claimants almost always have first-hand knowledge of the events. Employers should choose witnesses carefully to ensure competent evidence is presented.

If a document you previously submitted is not included with the hearing notice, you must send another copy to the hearing officer and all other addresses on the Notice of Telephone Hearing in order to have the document considered. To have documents considered, mail, fax, or deliver a copy of each to the Appeals Office and all addresses on the hearing notice, before the hearing date. **Only documents received by all parties can be considered, unless the right to view the documents is waived. All evidence becomes public record when the hearing is convened.**

Most documents and affidavits are hearsay and may be used for the purpose of supplementing or explaining other evidence or to support a finding if it would be admissible over an objection in civil actions. Hearsay may support a finding of fact if it meets the statutory requirements set forth in 443.151(4)(b)5, Florida Statutes. The above referenced statute states that hearsay evidence may be used for the purpose of supplementing or explaining other evidence, or to support a finding if it would be admissible over objection in civil actions. Notwithstanding s. 120.57(1)(c), hearsay evidence may support a finding of fact if:

- The party against whom it is offered has a reasonable opportunity to review such evidence prior to the hearing; and
- The appeals referee or special deputy determines, after considering all relevant facts and circumstances, that the evidence is trustworthy and probative and that the interests of justice are best served by its admission into evidence.

If the hearsay evidence does not meet the statutory requirements, then the evidence may qualify as an exception under the hearsay rule, (see Chapter 90, F.S.).

An employer who must rely on business records should provide a witness who can testify how the records were prepared and vouch for their authenticity. Once the hearing is closed, no additional evidence will be accepted.

12. SHOULD I HIRE AN ATTORNEY?

Professional representation is not required and most people represent themselves at reemployment assistance hearings. You have the right to be represented by an attorney or authorized representative at your own expense. Fees for representing a claimant must be approved by the appeals referee, but paid by the claimant. Legal representation may be available through a local Legal Aid Office at reduced or no cost for low-income claimants. For information about hiring an attorney, contact the Florida Bar Association toll-free at 1-800-342-8011. If you hire an attorney or authorize someone to represent you, provide the person's name, address, and telephone number to the Office of Appeals to ensure all notices are sent to that person.

13. WHAT IF I NEED A TRANSLATOR?

The hearing will be in English. Translation will be arranged for parties who indicate a primary language other than English. If a translator is needed and the *Notice of Hearing* does not indicate a translator was arranged, contact the Office of Appeals at once to advise what language is needed so translation arrangements can be made.

14. WHAT IF I NEED MORE INFORMATION?

The address, telephone, and fax numbers of the Office of Appeals is shown on the *Notice of Telephone Hearing*, as well as the name of the deputy clerk who should be contacted to provide or receive information. A complete list of Appeals Offices is shown on the last page of this pamphlet. Include the docket number or claimant's social security number on all correspondence.

15. WHAT ARE THE HEARING PROCEDURES?

The appeals referee assigned to the case will:

- Obtain permission to record from each participant and electronically record the hearing.
- Explain the issues, purpose of the hearing, order of testimony, and other procedures;
- Identify the determination on appeal and make known the contents of the case file;
- Place all witnesses under oath or affirmation;
- Question parties and witnesses to obtain the facts;
- Assist parties as they question witnesses; and

G. Determine if testimony and documents being offered should be received and considered.

16. HOW DO I KNOW THE DECISION WILL BE FAIR?

The appeals referee is required by law to be impartial and issue a decision based on competent evidence. The appeals referee is responsible for conducting a fair hearing, questioning the witnesses, and protecting the basic rights of each party. The appeals referee cannot discuss the case with any party before or after the hearing.

17. WHAT IF I MISSED THE HEARING?

If you missed a hearing you must exercise due diligence in requesting re-opening. Any request for rehearing must be filed on the Internet at <http://connect.myflorida.com> or by mailing or faxing a written request to the address or fax number on the *Notice of Hearing or Decision*. No other methods are permitted. Include the Docket Number or the claimant's social security number and the reason for not attending. **Only compelling and necessary reasons constitute good cause.** If a rehearing request is granted, you must present evidence of good cause at the new hearing and show due diligence in trying to re-arrange your schedule or requesting postponement. If good cause is not shown, the prior decision will be reinstated.

18. WHEN WILL I RECEIVE A DECISION?

A decision will be mailed to all parties as soon as possible after the hearing. The decision will include findings of fact, conclusions of law, and the result, which will affirm, reverse, or modify the determination or dismiss the appeal.

19. WHAT IF I DISAGREE WITH THE DECISION?

If you disagree with the decision, you can request review by the Reemployment Assistance Appeals Commission. *Instructions for requesting review are on the decision.* **Any request for review must be filed within 20 calendar days after the decision was mailed.** The Reemployment Assistance Appeals Commission will not hold another hearing; its decision will be based on the testimony and other evidence presented to the referee and how the referee used that evidence to reach a decision. Therefore, presenting all of your evidence at the hearing is very important. Upon completing its review, the Reemployment Assistance

Appeals Commission will mail a written order to all parties.

If you did not attend the hearing for good cause and received an adverse decision, refer to Section 17 for information about requesting a new hearing.

20. WILL THE CASE RECORD BE CONFIDENTIAL?

No, except for the claimant's social security number, appeal information becomes public record when the hearing is convened.

21. WHERE CAN I FIND MORE INFORMATION?

Appeals information, including links to statutes and Administrative Code Rules, can be located on our website at www.floridajobs.org. Information about Disaster Reemployment assistance Assistance, TRA, and other federal reemployment assistance compensation programs can be located on the Internet at www.doleta.gov. Information about claiming weeks of reemployment assistance while an appeal is pending can be located by choosing *Request Benefits* on our website at <http://connect.myflorida.com>.

In accordance with the Americans with Disabilities Act, persons needing special accommodation to participate in the hearing may contact the deputy clerk at the number shown on the *Notice of Hearing* at least 5 days before the hearing or via Florida Relay Service at 1-800-955-8770.

Reemployment Assistance is an equal opportunity program of the Department of Economic Opportunity. Auxiliary aids and services are available upon request to individuals with disabilities.

Appeals Office Address, Phone & Fax Numbers:

Address:

PO Box 5250
Tallahassee, Florida 32399-5250

Phone Numbers:

Claimant Line: 1-800-204-2418
Employer Line: 1-877-846-8770

Fax Numbers:

Appeals Clerk's Office
850-617-6504

This pamphlet is for informational purposes only and does not have the full effect of law and/or regulations.

Reemployment Assistance Appeals Information www.floridajobs.org



Important – Read this Now!

This pamphlet provides a summary of general information about reemployment assistance appeals and how to prepare for your hearing. The hearing notice may contain specific instructions and information. Failure to comply with those instructions may cause a delay in resolving the case or exclusion of evidence you wish to present.

If you have questions after reading the pamphlet, call the deputy clerk at the telephone number on the *Notice of Telephone Hearing* or check our website at www.floridajobs.org. If you are an unemployed claimant, continue claiming weeks as scheduled while your appeal is pending. If you receive a favorable decision, benefits will only be paid for properly claimed weeks.

Be ready on time to receive the hearing officer's telephone call. If you do not receive a call within ten minutes after the scheduled hearing time, contact the deputy clerk whose telephone number appears on the *Notice of Telephone Hearing*. Employers must provide the name and number of the person to be telephoned for the hearing. Claimants will be called at the telephone number shown on the hearing notice unless a different number is provided before the hearing. It is each party's responsibility to remove any call-blocking service that would prevent the telephone call from reaching you. Any party scheduled to appear in person, will receive special supplemental instructions.

If you do not speak or read English well, have this important information translated immediately.

Tenga esta información importante traducida inmediatamente.
Avere queste informazioni importanti tradotte immediatamente.
Avoir cette information importante traduite immédiatement.
Tradui information important sa a imediatemant.
Lassen Sie diese wichtigen Informationen übersetzen sofort.