

Laat deze belangrijke informatie vertalen onmiddellijk. *Tenha esta informação importante traduzida imediatamente.* Ha denne viktige informasjonen som oversatt straksstarks.

有这重要的信息立即翻译

有这重要的信息立即翻译

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. Generally, parties are provided only one hearing. To protect your rights, you must participate even if the other party filed the appeal. As provided in the notice of hearing, parties must call to confirm their appearance at the hearing 24 hours prior to the hearing. A party's failure to call in may result in dismissal of the appeal or an unfavorable decision.

If you do not attend the hearing, your appeal may be dismissed or 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.

2. WHAT HAPPENS AT THE HEARING?

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;
- Ask questions to parties and witnesses to obtain the facts;
- Assist parties as they question witnesses; and
- Determine if testimony and documents being offered should be received and considered for the hearing record.

After the hearing is concluded the appeals referee will issue the appeals decision.

3. WHAT EVIDENCE SHOULD I PROVIDE?

The best witnesses are people who were 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.

Documentary evidence will also be received and considered where properly admissible. Examples of documentary evidence include employer policies; employee records, such as attendance, leave, medical releases, or disciplinary records; text messages; and emails. Tangible evidence, such as audio or video recordings or photographs, may also be submitted.

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 to have the document considered. To have documents or other tangible evidence considered, mail, fax, or deliver a copy of each to the Appeals Office and all addresses on the hearing notice. You must arrange for delivery of the evidence to all parties and the appeals referee at least 24 hours prior to the scheduled hearing time. If the hearing is scheduled for a Monday or a day following a holiday, the Saturday and Sunday or the holiday will be excluded from the calculation of the 24-hour period. **Only documents or other tangible evidence received by all parties can be considered, unless the right to view the documents or review the other tangible evidence is waived. Parties should be aware that submitted evidence may become public record.**

Some documents are hearsay and may only be used for the purpose of supplementing or explaining other evidence unless it meets the legal requirements for an exception as provided in the Florida Evidence Code or Section 443.151(4)(b)5.c., Florida Statutes.

A party offering documentary or tangible evidence should provide a witness who can testify regarding how the records were prepared, received, or maintained and vouch for their authenticity.

In addition to submitting documents or other tangible evidence, you should be prepared to answer questions on all issues listed on the *Notice of Hearing*. The decision will be based **only** on evidence presented at the hearing. Once the hearing is closed, no additional evidence will be accepted.

4. 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.

5. 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.

6. 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.

7. HOW CAN I ARRANGE FOR WITNESSES?

Contact and ask the witness to testify. 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 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 does not want to testify voluntarily, a subpoena can be requested from the Office of Appeals. Your request can be sent through your electronic CONNECT account (login at <https://connect.myflorida.com>) by mail or fax. You should send 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, as well as a detailed description of any document(s) or other tangible evidence the witness should furnish for the hearing. The party requesting the subpoena is responsible for having the subpoenas served pursuant to Florida Administrative Code Rule 73B-20.019(1)(a).

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 by email to RA.AppealsClerks@deo.myflorida.com. Include the docket number and claimant's full name. If you ask to withdraw, in most cases, you will be terminating your appeal rights as a withdrawn appeal cannot be reopened or renewed.

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 a detailed reason why you cannot participate and what, if any, attempts you made to re-arrange your or your witness(es)' schedule so you could participate. The

referee will let you know in writing if the request is granted. **If you do not receive a written response granting your request to postpone this hearing, assume the request was denied** and be available to attend the scheduled hearing and prepared to present your case.

10. 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 toll-free at 1-800-342-8011. If you hire an attorney or authorize someone to represent you, you or your representative must provide the person's name, address, and telephone number to the Office of Appeals to ensure all notices are sent to that person.

11. 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.*

12. 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 and any documents showing the appeal was previously submitted to the Office of Appeals. The case will be dismissed without competent evidence of timely filing.

13. 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 these documents prior to the hearing and have them with you during the hearing. After the case is closed, the decision and exhibits become available; you may view these through the electronic CONNECT system or by requesting copies from the Office of Appeals.

14. WHAT IF I NEED AN INTERPRETER?

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

15. 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. The Appeals Offices contact information is shown on the last page of this pamphlet. Include the docket number or claimant's full name on all correspondence.

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 <https://connect.myflorida.com>, or by emailing, mailing or faxing a written request to the Office of Appeals within 20 days of the decision. No other methods for entering the request are permitted. You shall include the Docket 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 distributed/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 distributed/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 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 <https://connect.myflorida.com> by choosing *FAQs* or at <https://connect.myflorida.com> by choosing *Read the Benefit Rights Information Handbook*. Information about Disaster Reemployment 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 *Claim Your Weeks* on our website at <https://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 Number:
1-800-732-8212

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 <https://connect.myflorida.com>. If you are an unemployed claimant, continue claiming weeks as scheduled while any 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 proficiently, 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 importan sa a imediatemant.
Lassen Sie diese wichtigen Informationen übersetzen sofort.