

IMPORTANT INFORMATION ABOUT YOUR HEARING

READ CAREFULLY

The Appeals Bureau's phone number is (208) 332-3572 or toll-free 1-800-621-4938, and the Appeals Bureau's FAX number is (208) 334-6440. The mailing address is 317 West Main Street, Boise, Idaho 83735-0720. Any Commerce & Labor Office will help you with phoning, faxing or mailing information to the Appeals Bureau.

IMPORTANCE OF THE APPEAL HEARING

The Appeal Hearing **MAY** be your only chance to present witnesses and give evidence about your side of the issue. Except in rare circumstances, you will not be allowed to present additional evidence upon further appeal. The Appeals Examiner will make a **new** decision in your case based on the sworn testimony during the hearing.

THE HEARING

BE ON TIME! BE READY! If you are not, the hearing will go on without you. Hearings are conducted in an informal but orderly manner. All testimony is taken under oath or affirmation. The hearing is recorded.

The Appeals Examiner has the sole authority for the conduct of the hearing, and will:

1. Explain the issues and the meanings of terms that you do not understand.
2. Explain the order in which you will testify, ask questions and offer opportunity for rebuttal.
3. Assist you in asking questions of witnesses.
4. Question you and your witnesses to obtain relevant facts.
5. Determine if testimony and document(s) being offered are relevant.
6. Maintain control of the hearing so it will progress in an orderly manner, protect your rights, and be completed without delay.
7. Issue a written decision following the hearing.

You have these rights in a hearing:

1. To have a representative.
2. To object to proposed exhibits.
3. To testify.
4. To present witnesses and documents.
5. To question witnesses.
6. To respond to the evidence presented.
7. To make a brief statement of your position at the end of the hearing.

EVIDENCE

Any documents that **YOU** want considered at the hearing must be submitted immediately to the Appeals Bureau and all other interested parties of the case. Since this is a **NEW** proceeding, information submitted for the Determination being protested may not have been forwarded to the Appeals Bureau. Please review the documents in this packet. If a document critical to your position is not included, you may get it into the record by providing a copy to the Appeals Bureau AND all interested parties.

TELEPHONE HEARINGS

At the time scheduled for your hearing, please call **364-7789** in the Boise area, or toll free **1-800-621-4938**. The hearing will begin promptly, so it is suggested that you call a few minutes prior to the start of the hearing.

You must call at the time scheduled for your hearing if you wish to participate. The Appeals Examiner will **NOT** telephone you for the hearing. Failure to follow the instructions on this Notice may result in the dismissal of your appeal or forfeiture of your right to participate in the hearing.

Witnesses should not call and connect with the conference at the beginning of the hearing. Additional witnesses will be called at a later time in the hearing, if necessary.

If you have no convenient phone, you can make arrangements to use a phone at your local Commerce & Labor Office. Cellular and other cordless telephones usually do not provide an adequate connection. If possible, please make arrangements for another telephone for the hearing.

ACCOMMODATIONS

If you need assistance to participate in the hearing because of speech, hearing, language or other special needs, immediately call or have someone call the Appeals Bureau at (208) 332-3572 or 1-800-621-4938 so arrangements can be made to assist you.

WITNESSES

If you intend to call witnesses, it is your responsibility to have your witnesses available on the date and time of the hearing. The best witnesses are people who actually saw or heard the incident(s) involved in your claim, since hearsay is less reliable. The Appeals Examiner will take the testimony of only one or two witnesses to an event. Witnesses will only be allowed if their testimony is relevant to the facts in dispute. If your witnesses are present with you when the hearing begins, have them wait in another room until it is time for their testimony, so that their testimony will be based on what they knew about the employment rather than what has been said at the hearing. Call the Appeals Bureau at (208) 332-3572 or 1-800-621-4938 prior to the hearing and provide names and phone numbers of your witnesses.

SUBPOENAS

If your witnesses are unwilling to appear voluntarily or document(s) will not be provided voluntarily, you may request the Appeals Bureau to issue a subpoena. You must make your request as soon as possible. You will be required to explain why the witness or document(s) are needed for your case. You must provide the name and address of the witness or of the person who has the document(s).

REPRESENTATION

Representation is not required. However, if you desire, an attorney or some other adult representative may represent you at an Appeals Hearing. It is your responsibility to arrange for a representative before the hearing if you desire to be represented.

REOPENING THE HEARING

If you failed to appear at the hearing or if you have evidence which was not available at the time of the hearing, you have ten (10) days after the date of mailing of the decision to file a written, signed request to reopen the hearing. Your request should be mailed to the Appeals Bureau, 317 West Main Street, Boise, Idaho 83735-0720.

STANDARDS FOR DECISIONS

After the hearing is completed, the Appeals Examiner will review the available evidence and mail a written decision to you as soon as possible.

The Idaho Commerce & Labor rules provide definitions which are used to decide misconduct and voluntary leave issues. For your information, these definitions are:

IDAPA 09.01.30.275 defines **MISCONDUCT** as a willful disregard of the employer's interests, a deliberate violation of its rules, or a failure to meet its reasonable expectations. The employer is required to prove misconduct.

IDAPA 09.01.30.450 defines **GOOD CAUSE** for quitting work as being reasons which must arise out of or be connected with the work. The worker must show that he was forced to quit and that all other practical methods of solving the problem were tried before quitting. The claimant is required to prove good cause.

FRAUD

Section 72-1371(1) of the Idaho Employment Security Law provides that: **72-1371. Misrepresentation to obtain benefits or to prevent payments or to evade contribution liability -- Criminal penalty.** (1) The making of a false statement when the maker knows the statement to be false, or the wilful failure to disclose a material fact in order to obtain or increase any benefit or other payment under this chapter or under an unemployment insurance law of any state or of the federal government, either for the benefit of the maker or for any other person, is hereby declared to be a felony.