



STATE OF WASHINGTON

## OFFICE OF ADMINISTRATIVE HEARINGS

### Unemployment Insurance Appeal

## How to Prepare for Your Unemployment Hearing

Questions?  
Need an interpreter?  
Call (800) 366-0955



#### **Who will hear and decide my appeal?**

When a person or business disagrees with a decision made by the Employment Security Department (ESD), the Office of Administrative Hearings (OAH) will hear and decide the dispute. The judge who hears your case is neutral and is not employed by ESD.

#### **How do I attend my hearing?**

By telephone. You must call to participate.  
Follow the instructions in the Notice of Hearing.

#### **What if I need an Interpreter?**

Hearings and decisions are in English. If you or any of your witnesses need an interpreter, please contact OAH at (800) 366-0955 as soon as possible. Friends and family members may not interpret for a party or a witness.

#### **What if I need a disability accommodation?**

If you need an accommodation, please contact OAH at (800) 366-0955 as soon as possible.

#### **What if I need to reschedule my hearing?**

If you need to change the date or time of your hearing, call OAH at **(800) 366-0955** as soon as possible.  
A judge will review your request. The judge might call you to ask why you want the hearing date changed.  
The hearing date will only be changed if you have a good reason. The judge will decide if the date or time may be changed. You will still need to appear and be prepared for your hearing unless you are told the date is changed.

#### **What if I no longer want to appeal?**

If you no longer need a hearing, you may withdraw your appeal. To withdraw your appeal, write or call OAH, or tell the judge at your hearing. If you withdraw your appeal, ESD's decision in this case will become FINAL. You will not be able to appeal it in the future. You can request to withdraw your appeal online at this address:

[oah.wa.gov/Content-Area-Management/Forms-Hub/Withdrawal-Unemployment-Insurance](https://oah.wa.gov/Content-Area-Management/Forms-Hub/Withdrawal-Unemployment-Insurance)

#### **Preparing for the Hearing**

Your rights are at stake in this appeal.  
You are responsible for making your case to the judge.  
You will need to prepare.

1. Read the Notice of Hearing
2. Make note of the hearing date and time so you don't forget to attend.
3. Read the exhibit packet carefully. The exhibits are the documents related to the facts of your case. They start with the determination letter you appealed, at eight to ten pages into your hearing packet, and they go through to the end of the packet.  
**Be sure to have these documents with you during the hearing.**
4. Are there any additional documents you have that would help the judge understand important facts about the case?  
If so, see instructions below on "Submitting Documents."
5. You can have witnesses at your hearing. A witness is someone who has direct knowledge of a fact you want the judge to know.

Give your witnesses the date, time, phone number, and access code from the Notice of Hearing so they can call into the hearing

## Submitting Documents (Exhibits)

The judge only has access to the exhibit packet and any other documents that are sent to OAH for the hearing.

If you have more documents that you want the judge to see, you must immediately send them to OAH **and to all other parties listed in the Notice of Hearing**.

Submit documents by:



Website: Upload documents to your case on the Participant Portal (see box for instructions).



Mail: 16201 E. Indiana Avenue, Suite 3000  
Spokane Valley, WA 99216



Fax: (509) 456-3980

**File size limitations.** Documents uploaded to the Participant Portal may not exceed 1 gigabyte per file. Electronic files mailed to OAH (USB flash drive) may not exceed 2 gigabytes per file.

Submit **video or audio exhibits** online through the OAH Participant Portal or by mail on a CD, DVD, or thumb drive (these will NOT be returned to you). The file type must be MP3 or MP4.

**Do not wait to submit your exhibits.** Submit them to OAH and all other parties more than two business days (48 hours, excluding weekends and holidays) before your hearing.

**OAH will not send documents to the other parties for you. You must do that yourself.** If your documents are not submitted to OAH and the other parties in advance, your documents may not be considered.



### Using OAH's Participant Portal

You may visit OAH's website at [www.oah.wa.gov](http://www.oah.wa.gov) for electronic access to your case. You can use the portal to submit documents you want the judge to see and to read the documents in your case file before the hearing. You will not receive a notice when documents are added to the file.

Instructions to create an account and access your case are on the cover page of your hearing packet. If you have difficulty with the site or uploading documents, call **(800) 366-0955** for help.



Remove confidential information (like Social Security numbers, bank account numbers, and driver's license numbers) before sending documents to OAH and other parties.



## Researching Your Case

If you are interested in researching the laws that apply to your case, the Revised Code of Washington (RCW) and the Washington Administrative Code (WAC) are available at [www.oah.wa.gov](http://www.oah.wa.gov).

ESD's Handbook for Unemployed Workers provides information about receiving benefits. You are responsible for understanding the information in the Handbook. We suggest you read the Handbook before your hearing.

The ESD's Handbook is available on the ESD website. The ESD website is available in Spanish and has some information in 16 other languages. Call ESD at 1-800-318-6022 if you need a free interpreter or have questions.

## What Happens at a Hearing?

Your hearing may take up to two hours, though it may be shorter. Hearings with multiple appeals, witnesses, or an interpreter generally take more time than other hearings.

**You must have a quiet space and a good phone connection. Background noise can interfere with the hearing recording. You should only use a speaker phone or Bluetooth headphones if you make sure the sound quality is good and not distorted.**

When the hearing begins, the judge will describe the case and the hearing process. The judge will ask everyone to identify themselves. The hearing will be recorded.

The judge will decide when each person will get to talk. The judge will ask questions (see below) and will explain who else will have the opportunity to ask questions during the hearing.

All parties will have a chance to tell their side of the story.

The judge will issue a written decision based on the testimony and documents. The decision will be uploaded

to the Participant Portal. You may choose to receive the decision by mail.

The hearing is your only opportunity to tell your story and share your documents. If you requested the hearing but do not participate, your hearing request will be dismissed and ESD's decision will remain in effect.

If you disagree with the judge's decision, you have a right to file an appeal with the Commissioner's Review Office at ESD. The written decision will include instructions and an appeal deadline.

**For more information, including a video example (in English and Spanish) of a hearing and more frequently asked questions, visit our website at**

[www.oah.wa.gov](http://www.oah.wa.gov)

**If you have any questions, call: (800) 366-0955**

## Questions the Judge May Ask at the Hearing

Be prepared to answer these questions at your hearing if they are relevant to your case.

In all cases, if you are the claimant:

- When did you begin filing weekly claims for unemployment benefits?
- When did you stop filing weekly claims?
- While you were filing weekly claims, were you:
  - physically able to work?
  - available for work without any restrictions on your time?
  - actively searching for work?
- If you were not able or available to work, what dates or hours of the day were you unable or unavailable to work?
- Why were you unable or available to work for those dates or hours?
- If you were not searching for work, why not?

If your case involves a job separation (quit, fired, or laid off):

- What were the beginning and ending dates of employment?
- How did the employment end?
- If you are the claimant and you quit your job, why did you quit?
- If you are the employer and you fired the claimant, why did you fire the claimant?

In cases where benefits were reduced for receiving income of some kind:

- What were the exact amounts you earned or were paid for each week you filed weekly claims for unemployment benefits?
- *Gather paystubs or other documents showing these amounts. You can submit them to the judge and other parties before the hearing date, using the instructions on page 2.*

In cases involving your request to waive an overpayment:

- What are the detailed monthly expenses and income for all your household members?
- What debts and assets do you have?
- Is there anything else that would make it a financial hardship for you to repay the overpayment?
- *Have notes or documents ready for your hearing to provide accurate and complete information to the judge.*

## Representation

You may represent yourself at your hearing, or you may ask someone else to represent you. Most people who attend unemployment hearings represent themselves.

**You can represent yourself  
or call about free legal  
help.**

The hearing process is designed to allow people to represent themselves.

If someone else represents you, they will answer legal and procedural questions and make legal arguments for you. Your representative can't testify in your place and can't interpret for anyone.

Your representative does not have to be a lawyer. A friend or family member may represent you.

You may also hire a lawyer. You must hire that lawyer yourself. The State will not pay for your lawyer.

## Resources

Some organizations provide free or low-cost legal services.

If you are interested, here are some of the resources you can contact for help:

Resource Name	Phone Number	Website
Unemployment Law Project (Free legal representation. Free Interpreters provided)	(888) 441-9178  Email: <a href="mailto:info@ulproject.org">info@ulproject.org</a>	<a href="https://unemploymentlawproject.org">https://unemploymentlawproject.org</a>
CLEAR (Northwest Justice Project)	(888) 201-1014	<a href="https://www.washingtonlawhelp.org">https://www.washingtonlawhelp.org</a>
Washington State Bar Association	(800) 945-9722	<a href="https://www.wsba.org/for-the-public/find-legal-help">https://www.wsba.org/for-the-public/find-legal-help</a>