



## Washington State Office of Administrative Hearings

We independently resolve administrative disputes through accessible, fair, prompt processes and issue sound decisions.

# How to Prepare for Your Unemployment Hearing

## *Summary of How to Prepare and Present Your Case*

The Employment Security Department (ESD) will notify the Office of Administrative Hearings (OAH) when an appeal is filed. The appeal will be decided by an independent and impartial Administrative Law Judge (Judge) from OAH.

Your hearing will be held by telephone. Follow the instructions in the enclosed Notice of Hearing to participate in the hearing.

ESD will send to OAH the documents you provide to ESD. OAH will prepare hearing packets and send the documents to all the parties before the hearing.

If you have a disability that would make participating by telephone difficult, you may contact the office listed on the enclosed Notice of Hearing to request accommodation.

**To see a video of a sample hearing visit our website at [www.oah.wa.gov](http://www.oah.wa.gov)**

**Offered in English and Spanish**

### **I. How to Prepare for Hearing**

- Carefully read all of the documents you receive with the Notice of Hearing.
- Be ready to talk about important facts – write them down to help you remember them.
- If you have additional documents you want the Judge to see, you must immediately send them to the Judge and all other parties listed in the Notice of Hearing to allow time to review before the day of the hearing. Do not wait until the last minute to submit your documents.
- Please remove any confidential information (such as Social Security numbers, bank account numbers, driver's license numbers, etc.).
- You may request an interpreter before the hearing if your English is limited or if you need an accommodation for a disability. Please call the phone number listed on your Notice of Hearing to make a request.
- Postponements are rarely granted. If you have a conflict with the date or the time of your hearing, please try to reschedule the other matter before you ask for a postponement. If you still need a postponement, be prepared to explain why. After hearing your explanation, OAH will either grant or deny your request.
- People often represent themselves in unemployment hearings. You may choose to be represented in the hearing. If you hire a lawyer, you will be responsible for paying any attorney's fees. However, [www.oah.wa.gov/Unemployment.shtml](http://www.oah.wa.gov/Unemployment.shtml) (case sensitive) lists resources for low-cost or no-cost legal representation.



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- If you plan to call a witness at the hearing, you need to make sure they have the information about when the hearing will be held and how to call in.

## II. What Happens at a Hearing?

The Judge will record the hearing. The Judge will explain the issues and describe what happens during the hearing. The Judge will place witnesses under oath, identify and admit the exhibits, question the witnesses and take testimony. A hearing usually lasts between 45 and 60 minutes. The Judge will make a decision based on the evidence presented and will mail the written decision to the parties within seven days. The Judge's decision is referred to as an Initial Order.

If you (the Appellant) do not call in for the hearing you requested, the Judge will enter an order of default and that means the decision you are appealing will remain in effect.

If you disagree with the Judge's written decision, you can appeal by filing a Petition for Review. At the end of the Judge's decision there will be specific instructions about how to file a Petition for Review and the date the Petition for Review is due.

If you are interested in doing more research on 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/LegalResearch.shtml](http://www.oah.wa.gov/LegalResearch.shtml).

### See other frequently asked questions at [www.oah.wa.gov](http://www.oah.wa.gov)

- What is good cause for quitting?
- What is misconduct?
- What if I have special needs?
- What if I need an interpreter?
- Tips to help in the hearing
- Office closures

If you don't have Internet access at home, you can request a copy of the information that is provided online by calling the office listed on the enclosed Notice of Hearing. You may also arrange to use a computer at your local library or WorkSource Center.

## III. Legal Resources for Representation

You may consult the following for legal assistance:

Resource Name	Phone	Website
Unemployment Law Project	888-441-9178	<a href="http://www.unemploymentlawproject.org">www.unemploymentlawproject.org</a>
Washington State Bar Association	800-945-9722	<a href="http://www.wsba.org">www.wsba.org</a>
CLEAR	888-201-1014	<a href="http://www.washingtonlawhelp.org">www.washingtonlawhelp.org</a>