

DO-IT-YOURSELF GUIDE
TO
UNEMPLOYMENT INSURANCE BENEFITS

This guide provides only general information about filing an unemployment insurance claim in California. If you need more specific advice about your claim, consult an attorney.

This guide was updated in August 2009. The law may have changed since that date. Changes in the law since that date may affect your claim. For up-to-date information, consult an attorney.

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I. INTRODUCTION AND OVERVIEW

A. Introduction

This guide provides information to workers who are trying to collect Unemployment Insurance (UI) benefits.

This guide is an overview of some of the most common issues and problems with the unemployment insurance system. It does not address every issue that you may encounter. For a better understanding of a particular problem, you may need to consult more detailed sources (such as the California Unemployment Insurance Code) or obtain advice from a qualified attorney. See the Appendix to this guide for a list of additional sources of information about the UI system.

This guide is intended for workers with no special experience or familiarity with the unemployment insurance system. However, legal terms are used where necessary to get you familiar with the language you may encounter in your appeal hearing or in official documents from the EDD and other legal sources.

B. Overview

Unemployment Insurance is a nationwide program that provides partial wage replacement to workers, who are unemployed through no fault of their own, while they conduct an active search for new work. Unemployment Insurance is mandated by federal law, but is handled by each state.

In California, the Employment Development Department (EDD) administers the UI program. The EDD decides claimant eligibility, issues benefit checks, collects employer taxes, and issues and amends rules. The California Unemployment Insurance Appeals Board (CUIAB) is a separate state entity that reviews the decisions of the EDD. See the Appendix to the guide for contact information for these two agencies.

The UI system is funded by employers (not employees) through tax payments. Every employer must contribute to the state UI Trust Fund on behalf of each employee. The UI Trust Fund is used to pay UI benefits to people who have become unemployed through no fault of their own.

II. OVERVIEW OF BENEFITS

This Section provides an overview of the amount, duration, and timing of Unemployment Insurance benefits.

A. *Weekly Benefit Amount*

1. Calculating Benefit Amount. At the beginning of an unemployment claim, the EDD calculates your weekly benefits. This amount is calculated based on the highest quarterly earnings in your Base Period. To determine your exact benefit amount, see the EDD's "Unemployment Insurance Benefits Table" available online at http://www.edd.ca.gov/pdf_pub_ctr/de1101bt5.pdf. Your *standard* weekly benefit amount will be between \$40 per week and \$450 per week. For benefits paid between February and December of 2009, the federal government is funding an additional \$25 per week in benefits.

TIP: Disagreements about wages. If you disagree with the wages reported for your Base Period, you can request a recomputation. If you disagree with the recomputation, you can file an appeal and provide evidence of any wages you earned that have not been reported to the EDD. See Section III, Step 4 below for more details.

2. Reduction of Benefits. If you earn wages as an employee *or* independent contractor while collecting UI benefits, your benefits will be reduced by a portion of those earnings.

- If you earn less than \$100 in a particular week, your benefits for that week will be reduced by the amount of wages over \$25.
- If you earn more than \$100 in a particular week, your benefits for that week will be reduced by 75% of your weekly wages.

Your benefits are reduced for the week during which the wages were earned, even if they were paid at a later time.

Other sources of income – like pension benefits and workers' compensation benefits – may also reduce your weekly UI benefits. On the other hand, severance pay normally does not.

3. Taxation of Benefits. UI Benefits are normally subject to federal income tax. However, for 2009 only, your first \$2,400 in benefits is exempt from the federal income tax. You can elect to have these federal taxes deducted from your biweekly benefit checks or you can receive the entire gross benefits and declare them to the IRS at the end of the year.

UI benefits are not subject to state income tax.

B. Duration of Benefits

1. Overview. Most claimants can collect up to 26 weeks of benefits in a benefit year. However, you are only entitled to receive benefits equal to one-half of your Base Period earnings. Therefore, your benefits can run out before 26 weeks if most or all of your Base Period earnings were in a single quarter.

EXAMPLE. Your total Base Period earnings were \$9,000 and your highest quarterly earnings in the Base Period were \$5,200. Based on this quarterly high of \$5,200, your weekly benefit amount would be \$200. Under this scenario, you would only qualify for 22.5 weeks of benefits because after 22.5 weeks your total benefits would reach \$4,500 (22.5 weeks times \$200 per week), which is half of your total Base Period earnings of \$9,000.

Although a claimant is *normally* limited to 26 weeks of benefits, due to the high rate of unemployment, three extensions are currently in place that provide up to 53 *additional* weeks of benefits (pushing the maximum up to 79 weeks). You do NOT need to file a separate application to qualify for these extensions; the EDD will automatically notify you about your eligibility. These extensions are currently set to expire at the end of 2009. Other extensions are available under the following circumstances

- **California Training Benefits (CTB) program.** You may be eligible to receive up to 26 weeks of additional benefits by enrolling in an approved job-training program and by timely filing a training extension claim.
- **Disaster Extension.** Your maximum benefit award can be extended by federal declaration to assist workers who are unemployed due to a major disaster.
- **Trade Adjustment Assistance.** Groups of workers can receive federal unemployment assistance if they are certified by the Secretary of Labor as being unemployed in large part because of an increase in competitive imports.

Contact your local EDD office if you think you may qualify for any of these extensions or to learn more about them.

2. Filing a Second Claim for Benefits. If you exhaust your benefits (usually after 26 weeks) and do not qualify for a special extension (noted above), you cannot collect any more benefits until the end of the benefit year even if you still have not found a job.

You can file a second unemployment claim at the end of your benefit year (52 weeks after the effective date of your first claim filing). However, to qualify for benefits a second time – when applying immediately or shortly after the end of the benefit year on your first claim – you will be required to satisfy all the normal eligibility requirements and a modified “past earnings” requirement.

The normal “past earnings” requirement (discussed in Section III, Step 1 below) demands that you earned a certain amount of wages in your “Base Period” (also discussed in Section III, Step 1 below). However, when you file a *second* claim shortly after the end of the benefit year of your first claim, the “past earnings” requirement shifts from the normal Base Period that would be associated with the filing date of your second claim to the benefit year of your first claim.

This “lag period” modification ensures that you don’t collect benefits on a second claim when you didn’t work or earn any money during the entire benefit year of your first claim.

C. Timing of Benefits

Your claim for benefits will remain open for up to one year. Your benefit year is established upon claim filing. The claim is considered filed on the Sunday before you contact the EDD to first apply for benefits. If you find a job and lose it again during the benefit year, you do not file a new claim, but contact the EDD to “reopen” the original claim.

After you file your claim, there is a seven-day waiting period (beginning on the effective date of your claim filing) during which you will not receive benefits.

III. APPLYING FOR BENEFITS

Step 1: Decide If You Should Apply

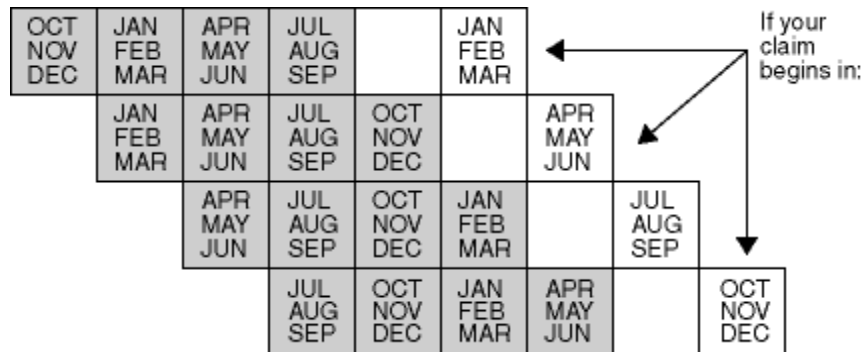
To be eligible for UI benefits, you must satisfy the program’s three initial requirements (described below). You should evaluate whether you meet these requirements before deciding to apply for benefits. Even if you are unsure whether you meet the three initial requirements, you are still strongly advised to apply for benefits and allow the EDD to make an official determination.

1. Satisfactory Immigration Status. You must be able to prove that you are lawfully residing and authorized to work in the United States when you file your claim. United States citizens, green card holders, and workers with other valid forms of work authorization can collect benefits. Undocumented workers are not eligible for UI benefits.

2. Past Earnings Requirement. You must have enough “past earnings” in “covered employment” to qualify for UI benefits. Covered employment includes most services performed as an employee for any form of wages. It does not typically include self-employment or work performed as an independent contractor.

To decide if you meet the past earnings requirement, the EDD looks to your earnings in a window of time referred to as your “Base Period.” Generally, the Base Period is the twelve months that ended between four and sixth months before you file your claim for UI benefits.

If you file your claim in...	Your Base Period is the prior twelve months ending in...
January, February or March	September
April, May or June	December
July, August or September	March
October, November or December	June



To qualify for UI benefits, you must have been paid:

- (1) at least \$1,300 during one of the four quarters of your Base Period or
- (2) at least \$900 during one of the four quarters of your Base Period and have gross earnings for the entire Base Period at least equal to 1.25 times the earnings for the highest quarter.

3. No-Fault Separation Requirement. The third initial requirement is that you must have been separated from your most recent job through no fault of your own. The most common examples of no-fault separation are layoff for lack of work or separation at the end of a contract period.

Although you may meet these three initial requirements – satisfactory immigration status, past earnings, and no-fault separation – you still must comply with a series of continuing eligibility requirements discussed in Section VI below.

Step 2: Decide When You Should Apply

You can file for benefits at any time after becoming unemployed. There is no time limit on filing a claim. For most people, it is advantageous to apply for benefits as soon as possible. Your claim will be effective on the Sunday prior to the date you file.

The one circumstance where it may be better to wait and file your claim at a later date is when your wages have gone up or down a lot in the 18-months prior to this most recent job loss. Since your weekly UI benefit check is based on your Base Period earnings (discussed above) and higher Base Period earnings mean a higher weekly benefit amount, you may want to “time” your claim filing to a later date if doing so would establish a Base Period with higher total earnings.

The possibility of a higher weekly benefit amount should be weighed against the downside of applying later and delaying your benefits. This is especially true if you expect to be working again in the very near future or if you need your UI benefits right away.

Step 3: Gather Your Materials

To apply for UI benefits, you will need to provide some information to the EDD. Here is a list of information that you should have ready prior to filing your claim for benefits:

- Your name (including all names you used while working), social security number, mailing and residence address, telephone number, and state issued driver's license or ID card number.
- Information about all employers you worked for during the 18 months prior to filing your claim, including: name, period of employment, wages earned, and how you were paid.

- The last date you worked for any employer. If you are working part-time be sure to tell the EDD that you are still working and give them the number of hours you are working each week.
- Last employer information, including: name, address (mailing and physical location) and telephone number. Be specific about the spelling of the employer's name and make sure the address is correct because the EDD is required to mail a notice to that employer. An incorrect address will delay benefit payments.
- The reason you are no longer working for your last employer.
- Whether you are receiving, or expect to receive, any payments from a former employer. The EDD asks about this because in rare cases the EDD will deduct some types of payments from your benefits.
- Whether you are able to work and available to accept work.
- Whether you have a legal right to work in the United States. If applicable, individuals will be asked for their alien registration number.

You may not be able to come up with all this information. You should still go forward with your claim even if you don't have everything.

Step 4: Submit an Application for Benefits

You can file your claim for UI benefits in one of three different ways.

- **Online.** You can submit your form via the internet at <https://eapply4ui.edd.ca.gov/>. This online form is the fastest way to submit your application because you can type in your answers to questions and submit your form immediately.
- **By Telephone.** You can file by telephone by calling the EDD's toll-free number, 1-800-300-5616, between 8:00 a.m. and 5:00 p.m., Monday through Friday. However, you should be prepared to be on hold for a long period of time. If you would prefer to speak with someone in a language other than English, see the EDD Contact Information provided in the Appendix to this guide for additional phone numbers.
- **By Mail or Fax.** You can fax your completed application to 1-866-215-9159 or mail it to:

Employment Development Department
P.O. Box 419000
Sacramento, CA 95841-9000

A blank application is included in the Appendix to this guide as a reference. However, you should get your official application from the EDD website. Go to <https://eapply4ui.edd.ca.gov/default.htm?target=paper> and follow the instructions to

get a paper application in Adobe's Portable Document Format (PDF). You will need the Adobe Acrobat Reader to view or print the application. (Note that in some cases – such as when you have Base Period wages from two states or are submitting a second claim for benefits within two years – the EDD will not provide you with a paper application and instead will require you to submit your application by telephone.)

After you submit your application – whether by phone, fax, mail, or internet – the EDD will mail you several documents, including:

- **A Guide to Benefits and Services.** This guide provides a general description of the UI system and the other employment-related services offered by the EDD.
- **Notice of Unemployment Insurance Claim Filed.** This notice both confirms that you filed an appeal and also includes relevant information about your case. You should review this information and notify the EDD immediately if there is a mistake.
- **Notice of Unemployment Insurance Award.** Be aware that this notice of “Award” does not mean that the EDD has awarded you benefits, *but rather* is a calculation, based on your past earnings, of how much you will receive in benefits *if and when* you are deemed eligible. You should review this information and notify the EDD immediately if there is a mistake.

TIP: Are the wages on this Notice incorrect? A former employer may have failed to report your earnings correctly and failed to pay taxes to the EDD or the EDD may have made the error itself. Regardless of the source of the error, if you have independent proof of wages earned during your employment, you should be able to resolve the problem fairly easily. There are a number of ways to prove wages earned, including: timesheets, pay-stubs, tax records, bank statements, personal calendars, work schedules, etc.

If you believe a former employer has misrepresented your wages, immediately request a “recomputation” from the EDD and submit copies of proof of wages earned.

The EDD will also mail a “Notice of Unemployment Insurance Claim Filed” to your most recent employer. The employer will then have 10 days to submit, in writing, any facts that may affect your eligibility for benefits. An employer who fails to respond (and cannot show good cause for this failure) loses its right to challenge your eligibility at any stage of the claim.

Step 5: Do a Telephone Interview with the EDD

To determine if you are eligible to collect benefits, the EDD will probably conduct a telephone interview with you and also one with your most recent employer. The EDD will mail you a notice of the time and date of your scheduled telephone interview (usually

within two or three weeks following your claim filing). If you are not available to conduct the interview at that time, you should contact the EDD immediately. The EDD is usually very flexible and is willing to reschedule your appointment for a more convenient time.

TIP: Keep the following points in mind during your interview.

- At the beginning of the interview, ask what the employer told the EDD. This will allow you to rebut information provided by the employer that you feel is inaccurate or misleading.
- Tell your story in a way that relies on the law and not just on what seems logical. For example, if you quit your job because of the working conditions, be sure to explain in detail what you did to improve the situation and why you had to quit.
- Be clear on what is being asked of you. Ask the interviewer for clarification if you do not understand any of the questions.
- Do not give more information than necessary to answer the questions. You should carefully answer only what is asked and avoid conversation that is outside the scope of the interviewer's questions.

Step 6: EDD Determines Your Eligibility

The EDD will make its decision on your eligibility 1 to 10 days after the phone interview.

If you are found eligible for benefits, you will not receive a notice. The EDD will simply begin sending you biweekly benefit checks with biweekly Continued Claim Forms attached. (The Continued Claim Forms are discussed in detail in Section VI below).

If you are found ineligible for benefits, the EDD will mail you a “Notice of Determination / Ruling,” which briefly describes (1) the EDD’s rationale for your denial and (2) how you can appeal the determination.

This document includes a lot of legal jargon that is difficult to understand. Generally, the second or third paragraph will include one or two sentences that explain specifically why you were found ineligible for benefits.

If you disagree with the EDD Determination, you can appeal as described in the following Section.

IV. APPEALS

Step 1: Request an Appeal

You and your most recent employer both have the right to appeal the EDD's determination of your eligibility for benefits as well as virtually any other decision made by the EDD regarding your benefits (for example, see Section VII below for a discussion of overpayments and false statements).

1. Filing Deadline. An appeal must be submitted within 20 calendar days of the mailing date of the "Notice of Determination and/or Ruling." If the 20th day falls on a weekend or holiday, the last day for filing the appeal is the next regular business day. The appeal is considered "filed" on the date of mailing. If you file late, you will have to show at the appeal hearing (discussed below) that you had "good cause" for missing the deadline, which normally means circumstances beyond your control, which you could not have reasonably anticipated.

2. Submitting an Appeal Form or Letter. The EDD usually sends an appeal form with the "Notice of Disqualification / Ruling" or you can get a form from the EDD's website at http://www.edd.ca.gov/pdf_pub_ctr/de1000m.pdf. A blank appeal form is also included in the Appendix to this guide.

Alternatively, you can request an appeal by simply writing a letter. Be sure to include your full name, address, telephone number, and Social Security number in any written correspondence.

TIP: What to say. Whether you appeal using the form or your own letter, you do not need to include a lengthy statement of the reasons you disagree with the EDD's decision. In fact, you may be better off not specifying why you disagree with the EDD because you may accidentally state something that could hurt your case and/or your explanation could help your former employer prepare a response. Therefore, it may be safest to simply write: "I disagree with the decision because the EDD made a mistake and I am entitled to benefits under the law."

If you will need a translator at the hearing, you should say so on the appeal form or letter, and specify the requested language (and dialect, if applicable).

3. Acknowledgement of Appeal. The EDD will send you a letter acknowledging that your appeal was received and forwarded to an Office of Appeals. The letter will provide you with the location and phone number of the Office of Appeals where your hearing will take place. You will receive a similar written acknowledgement if the employer submits an appeal.

4. Submitting Continued Claim Forms while Appeal is Pending.

a) If you appeal, the EDD should start sending you Continued Claim Forms shortly after they acknowledge your appeal. For each week while you are awaiting the appeal hearing, you should complete and return the forms to the EDD, so that you can obtain benefits for these weeks if your appeal is successful.

b) If your employer appeals, you should continue submitting the Continued Claim Forms the same way you had been doing before the appeal.

The acknowledgment letter you receive from the EDD will advise you that you may elect to continue receiving benefits, but that if you ultimately lose on appeal, you may have to repay all benefits received between the date of the notice and the final decision on the appeal. If this happens, you will have the opportunity to challenge this result by explaining why it would be unfair and overly burdensome to pay back the benefits.

If you elect not to continue receiving benefits and the employer loses the appeal, you will be awarded benefits for the time periods you missed.

5. Notice of Hearing. About 4 to 6 weeks after you or your employer files an appeal, the Office of Appeals will set a hearing date. The Notice of Hearing, which must be mailed to you at least 10 days before the hearing date, includes the (1) time, date and place of the hearing; (2) the name of the Administrative Law Judge who will oversee the hearing; and (3) the legal issue(s) that will be considered.

TIP: Scheduling conflict. If you have a serious scheduling conflict with the hearing date, you should call the Office of Appeals immediately (at the phone number provided on the Notice of Hearing) and ask for the hearing to be rescheduled. The Office of Appeals does not have to grant a continuance unless you show “good cause.” Good cause is a reason, beyond your control, that effectively prevents you from attending the hearing on the scheduled date. An example of good cause would be if you were scheduled to undergo a medical procedure that conflicted with the hearing.

Step 2: Prepare for the Hearing

Preparing for your hearing is absolutely essential. If you start early and follow the simple steps laid out below, you will more likely arrive at your hearing calm, confident, and with a clear plan. Good preparation often makes the difference between winning and losing your appeal.

1. Review the Appeal File. Once you receive the Notice of Hearing, your appeal file is already available at the Office of Appeals for your review. The Notice indicates that you can “arrive 15 minutes early to review the appeal file,” however, you should consider going to the Office of Appeals to make a copy of the appeal file as soon as possible because the appeal file contains important information about your claim and will play an important role in preparing for your hearing. In most files, if you review the documents from back to front, you will find the following:

- **Claim Notes.** These printouts of EDD computer screens reflect the EDD’s activity on the claim. These notes are difficult to interpret, but you should skim them for any mention of telephone conversations between the EDD and the employer.
- **Employer Protest.** This is the employer’s written response to the EDD’s notice informing the employer of the claim. If the employer chose to provide this information (many do not), it may be your only chance to see a written explanation of your separation.
- **Record of Claim Status Interview.** This is the handwritten or computer-generated notes from the interviews the EDD conducted with you and/or the employer. The notes from the employer interview are especially important if the employer didn’t submit a written response. This is a good opportunity to see what your employer intends to argue at the hearing.
- **Notice of Determination.** This document, sent to both you and the employer, describes the EDD’s initial benefit determination. Most of the language is “boilerplate” and generally unhelpful. The first couple of sentences from the second paragraph, however, usually explain the reason for the determination and are worth reviewing.
- **Appeal Letter.** If the employer filed the appeal, this letter likely will contain vital information regarding the employer’s challenge. Look for any discrepancies between the employer’s explanation in the phone interview (or protest letter) and this appeal letter. Even small differences could raise questions about the employer’s truthfulness.

2. Learn the Basics of the Law that Applies to your Case. After reviewing your appeal file, you should be ready to learn about the relevant law that will apply to your case. Much, if not all, of the information you will need is available in this guide.

If you find that you need a more comprehensive discussion of the relevant law, an excellent place to start is the **Benefit Determination Guide**, an internal handbook published by the EDD. The Benefit Determination Guide (BDG) is available online at <http://www.edd.ca.gov/uibdg/>. This source is especially helpful because it is divided into eight volumes based on different types of cases. For example, if your hearing is about whether you committed misconduct, you can turn directly to Volume MC (Misconduct) or if your employer is arguing that you voluntarily quit your job, you can turn directly to Volume VQ (Voluntary Quit).

If you need to conduct further research, the primary sources of UI law are located in various statutes, regulations, and cases described below.

- **Statutes.** The principal statutes are the California Unemployment Insurance Code and the California Labor Code. Both of these codes are available online at <http://www.leginfo.ca.gov/calaw.html>.

- **Regulations.** The EDD and the CUIAB issue regulations that explain and implement the statutes. These regulations are located in Title 22, Division 1 of the California Code of Regulations and are available online at <http://ccr.oal.ca.gov/>.
- **Cases.** UI cases are written up as Precedent Benefit Decisions (PBs) and are authoritative rulings made by the CUIAB. These are available online at http://www.cuiab.ca.gov/precedent_decisions.shtm.

3. Gather and Organize Other Supporting Documents. You should decide whether you have any additional documents, which are not yet part of the record, that support your position. Examples of documents that could be particularly important include: performance reviews, personnel manuals, employee commendations or reprimands, and written correspondence between you and the employer.

TIP: Reviewing your personnel file. You have the right to view your personnel file from your former employer, provided you give your former employer reasonable notice. While reviewing the file, you are free to take notes of its contents. Also, you can make copies, at your own expense, of any documents that you have *signed*. Often employees will be permitted to make copies of documents that were not signed.

A sample letter is included in the Appendix to this guide.

4. Gather Witnesses and/or Affidavits.

A witness may be able to help your case if the witness can personally confirm an important part of your story. However, it may be difficult to persuade a witness to testify for you at a hearing because most witnesses will be former co-workers and may fear that the employer will retaliate against them if they testify on your behalf. Retaliation is illegal, but is still a real fear for many workers. Therefore, you should only call a witness if he/she has first-hand knowledge of facts that are relevant to your case.

TIP: How to subpoena witnesses and/or documents. A “subpoena” is a legal order that requires someone to attend the hearing or bring documents to the hearing. If you want to issue a subpoena, you must act quickly. A subpoena should be requested at least a week before the hearing.

To request a subpoena, your first step is to visit the office where the hearing will be held and complete a “subpoena declaration.” This is a form that lists the individuals and/or documents to be subpoenaed and why they are necessary. An Administrative Law Judge (ALJ) will review and sign the request before returning it to you.

Next, you will need to find someone to personally “serve” the subpoena on the witness or the employer. The person who does the service must then complete a “proof of service” form and submit it to the Office of Appeals (or return it to you to submit to the Office of Appeals).

If possible, your witness should appear *personally* at the hearing. If that is not possible, the witness can submit written testimony by “affidavit.” An affidavit is simply a statement in which the witness describes the relevant information that she knows or has observed. The witness must sign and date the affidavit. A “sworn” affidavit is preferable. A sworn affidavit simply requires that the sentence before the signature read: “I swear under the penalty of perjury and the laws of the state of California that the foregoing is true and correct to the best of my knowledge and belief.”

5. Prepare Questions and Closing Statement.

The actual order of a hearing is described below. To get ready for the hearing, you should think about questions that you would ask of the employer and of any witnesses. You should emphasize questions that build your case and that anticipate employer defenses and responses. For example, in a misconduct case, you might ask your employer about your prior performance reviews. As described below, the Administrative Law Judge (ALJ), will take primary responsibility for asking questions. However, you should be prepared to ask follow-up questions to bring forward any important facts that the ALJ failed to discover.

A “closing statement” is not required, but you will have the opportunity to make one if you want. If you intend to give a closing statement, you should prepare as much of it as possible in advance and then be ready to adapt it to refer to what was presented in the hearing. (See Step 3 #7 below.) It should be no more than a two or three minute summary of the most important facts, how these facts apply to the law, and how this supports your position.

Step 3: Attend the Hearing

1. The Hearing Environment.

- **Hearing Setup.** The ALJ normally conducts the hearing in a small conference room. The ALJ, who does not wear a robe, sits at the head of a conference table. You (and any your representative and witnesses) will normally sit on one side of the table. The employer (and any employer representative and witnesses), will sit on the other side of the table. If you have a witness, you should position yourself between the ALJ and your witness.
- **Role of the ALJ.** The ALJ is in charge of the hearing and decides who may attend, what evidence to consider, what testimony will be heard, who is telling the truth, whether someone is talking too much, whether the testimony is relevant, and when the hearing will end. In general, ALJs are helpful and will answer questions and assist you if you are confused or have questions.
- **Hearing Timing.** Hearings are scheduled for 45 minutes and rarely go longer than an hour. Occasionally, hearings will be continued to another day if they cannot be completed within the time allotted.

- **Who May Attend.** You and the employer may attend the hearing. Both parties may bring witnesses and may have legal representatives who can ask questions and argue their cases. A supportive friend can accompany you to the hearing, but should probably stay in the waiting room during the hearing.

TIP: Arrive Early. You should arrive at least 30 minutes before your hearing and review your appeals file one more time to determine if any documents have been added (for example, a letter from your personnel file submitted by your former employer). If the party who filed the appeal arrives late or does not show up, the ALJ may dismiss the case.

TIP: Dress appropriately. You should dress neatly. Do not wear anything that might disrupt the hearing or that might indicate a lack of respect for the judge or the process.

2. Opening the Hearing. The ALJ will turn on a recording device to make the record of the proceedings, provide an overview of the hearing procedure, ask if anybody has any questions or concerns, and briefly explain the issues in the case and the applicable law. Next, the ALJ will number the documents in the appeal file and, if there are no objections, admit them into evidence. The ALJ will swear-in the parties and witnesses. Witnesses are normally asked to leave the room until it is time for them to testify.

Opening statements are rare, but either side may request to make one in a complex case. The ALJ usually does most of the questioning during the hearing (particularly if you are not represented) and will decide which party to question first. Generally, the ALJ will question the employer first in “misconduct” cases and the employee first in “voluntary quit” cases.

3. Your Testimony. The ALJ will ask you questions in order to get the facts necessary to decide the case. After the ALJ’s questions, the employer will be permitted to ask you follow-up questions. Keep the following things in mind when answering questions from the ALJ or the employer:

- **Directly answer the specific question that was asked.** You should pause before answering and carefully consider the scope of the question and how to answer it before responding.
- **Ask the ALJ for clarification before answering any questions that you find confusing or unclear.** Misunderstanding the question may cause you to give an inaccurate answer, which could harm your credibility.
- **Respond in a respectful and honest way.** The ALJ will decide which party’s account of the events is credible, so you should make a point to be polite and honest. Refer to the ALJ as “Your honor” or “Judge [LAST NAME]”.
- **Avoid talking too much.** Pay close attention to how much the ALJ wants you to explain. When in doubt, you should err on the side of saying too little, otherwise you

risk bringing up issues that may be better left unsaid. If the ALJ needs more information, she will ask a follow-up question.

- **Do not get angry or confrontational with the employer.** You should focus on telling your story and avoid getting upset about what the employer says, even if the employer lies. Getting angry, accusing the employer of lying, or answering the employer's questions in a sarcastic or hostile manner will most likely hurt your case. If you find yourself getting overly emotional, you can ask for a short break.

4. Your Documents. When presenting your case, you can submit relevant documents, such as performance reviews or letters to or from the employer. You should bring at least three copies of any documents that you plan to submit: one for the ALJ, one for the employer, and one for yourself.

5. Your Witnesses. Bringing a witness to testify at the hearing is generally better than offering a letter of support from that witness. If necessary, witnesses may be subpoenaed to attend the hearing (see this Section, Step 2 above for more details). The ALJ will question the witness in the same way he/she questioned you. The employer will, once again, have an opportunity to ask follow-up questions.

6. The Employer's Case. The employer will present his or her case in the same manner that you presented your case. He or she will answer questions from the ALJ and will have the opportunity to present documents and have witnesses testify. You will have the opportunity to ask follow-up questions of the employer and any witnesses.

7. Closing Statements. The ALJ normally will allow a few minutes at the end of the hearing for the parties to present closing statements, if they choose to do so. If you prepared a statement in advance, you might need to add to it to address points that were raised during the hearing that you hadn't anticipated.

8. Concluding the Hearing. After both parties have presented their cases and introduced all relevant evidence, the ALJ will end the hearing by asking the parties if either side has any questions. If not, the ALJ will conclude the hearing and advise the parties when they should expect a decision.

9. ALJ Decision. You will usually receive the ALJ's written decision in the mail between two days and three weeks after the hearing. If more than a month has passed since the hearing, you should call the Office of Appeals and request an explanation for the delay.

The ALJ will state the facts that he/she relied on in making his/her decision and the reasons for his/her decision based on the law. If you disagree with the decision, you can appeal to the California Unemployment Insurance Appeals Board (CUIAB) as described in the next step.

Step 4: More Appeals?

1. File a Board Appeal. If you disagree with the ALJ's decision, you have 20 calendar days from the date of mailing of the decision, indicated on the first page of the decision, to file an appeal to the CUIAB in Sacramento.

An appeal to the CUIAB must be filed in writing, but need not include a lengthy statement of why you disagree with the ALJ's decision. You should write a letter stating that you want an appeal and provide your name, address, phone number, social security number, and the unemployment benefits case number. Be sure to sign and date the letter and mail to the Office of Appeals where your case was heard. A sample letter requesting a Board Appeal is included in the Appendix to this guide.

TIP: Filing documents with the CUIAB. All documents filed with the CUIAB must also be "served," by mail, on the opposing party. The original must be sent to the CUIAB and postmarked by the date specified. With each filing, you must include a proof of service to verify that the opposing party was properly served. Contact the CUIAB for more information about these document filing requirements.

2. Acknowledgment of Appeal. The Office of Appeals will send you a letter acknowledging receipt of your appeal. This letter will include the CUIAB case number and will advise you of your procedural options (discussed below). You will receive a similar letter if your employer files a Board Appeal.

3. Request a Copy of the Record. At any time prior to 12 calendar days after the mailing of the appeal acknowledgement letter, you can request a copy of the record of the hearing, which will include a written transcript and/or a copy of the recording from the hearing and the documents in the record. You will not be charged for a copy of the record. A sample letter requesting a copy of the record is included in the Appendix to this guide.

4. Written Argument. Written arguments must be submitted at any time prior to 12 calendar days after the mailing of the record. The written argument should outline the facts of the case, present your legal arguments, and explain clearly how the ALJ's decision was wrong. A written argument is not required, but is your only opportunity to make your case and explain why the decision should be overturned. Therefore, if you choose to appeal your case, you should try to submit a written argument.

5. Additional Evidence. In most cases, you cannot submit additional evidence unless the evidence could not have been offered at the hearing. If you want to submit documents or affidavits that were not presented at the hearing, you will need to request permission on or before the date specified in the letter acknowledging your appeal.

6. Standard of Review. Two of the seven members of the CUIAB will be randomly chosen to review the ALJ's decision and the record of the administrative hearing. If they disagree, a third board member will break the tie. The board will decide the appeal based

on the record (the testimony and other evidence) of the hearing before the ALJ. Generally, they will not review the ALJ's decision about the facts of the case (e.g. the ALJ's decision that the employer was lying or that the employee arrived late to work three times in February). Instead, they will just review whether the ALJ correctly applied the law to the facts of the case.

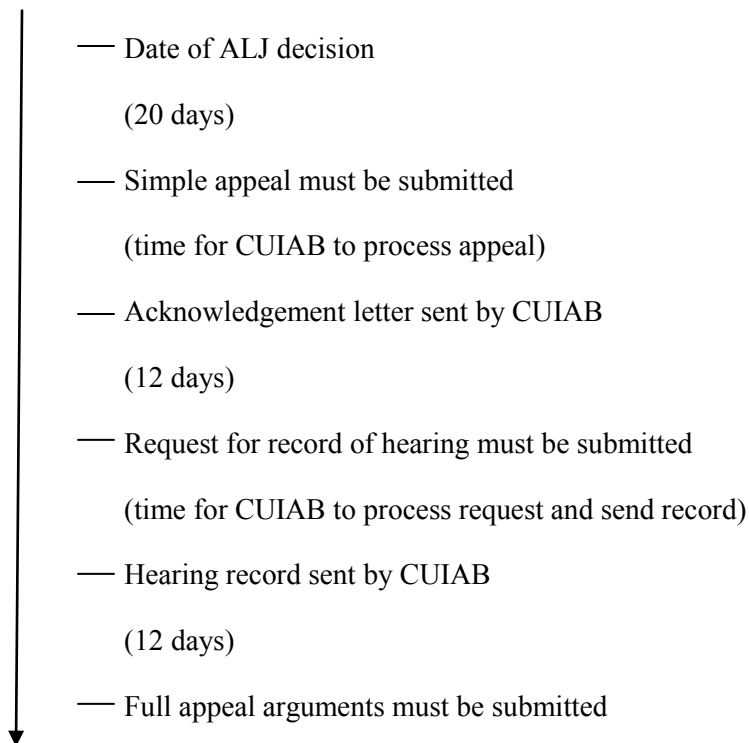
The board will overturn the ALJ's decision only if it is "arbitrary" (i.e. it doesn't make sense) or "against the weight of the evidence." Because of this high standard, board appeals are very difficult to win.

7. Board's Decision. The Board panel will usually issue a written decision within 60 days of the submission of the appeal.

Decisions of the CUIAB in Sacramento may be appealed to Superior Court. You must file this appeal within six months from the date of the mailing of the CUIAB decision. In most cases, you can only go to court after completing the administrative process, including the ALJ and CUIAB hearings.

The superior court will review the administrative record to determine whether you got a fair trial and whether there was any prejudicial abuse of discretion.

Here is the usual time-line for these Board appeals:



V. COMMON APPEALS: VOLUNTARY QUILTS AND MISCONDUCT

The UI program provides benefits only to workers who were separated through *no fault of their own*. There are only three ways to describe how your last job ended: “lay-off,” “discharge,” or “quit.” These terms are important because they identify whether you or your employer was “at fault” when your employment ended.

1. Lay-Off (i.e. “Lack of Work”). A “lay-off” occurs when you are unable to continue working because the position or work was eliminated and no further work was offered by the employer. If you were laid-off, you are routinely eligible for benefits.

2. Quit (i.e. “Resignation”). A “quit” happens when you refuse to continue working although there was still work to be done. (Quits are discussed in more detail in Section A below.)

3. Discharge (i.e. “Fired” or “Terminated”). A “discharge” is any situation in which your employer refuses to allow you to continue working while there was still work available. If you were discharged, you will be eligible for benefits unless your employer can show that the discharge was the result of your “misconduct.” (Misconduct is discussed in more detail in Section B below.)

A. ***Did you Voluntarily Quit Without Good Cause?***

If you quit, you will be eligible for benefits only if you can show that you (1) quit for “good cause” *and* (2) took reasonable steps to solve the problem.

1. “Good cause.” Quitting with good cause means that you had a real and compelling reason that caused you to leave your job even though you genuinely wanted to keep working. Such reasons may include personal circumstances, such as the need to care for your children, or work-related reasons, such as unsafe working conditions.

- **The following are some common reasons for quitting that are good cause:** compelling domestic situations (such as relocating for a partner or spouse, caring for family members, domestic violence, or pregnancy), a reasonable and good-faith fear for your health, unsafe working conditions, abusive supervisors, illegal discrimination or harassment, duties that fall outside the scope of employment, illegal or unethical orders, and fraud or misrepresentation in the employment agreement.
- **The following are some common reasons for quitting that are not good cause:** job dissatisfaction or stress, disagreement with management, changes in work schedule, reduction in hours, searching for other work, not qualified for the job, too qualified for the job, and transitioning to self-employment or school.

2. “Reasonable steps to solve the problem.” This means that you discussed the problem at least once with your employer and gave your employer a reasonable opportunity to fix the problem.

TIP: Proving Your Case. At your hearing, you should be prepared to show “good cause” for your decision to quit and to describe your efforts to preserve your job.

Make a detailed written account of the circumstances that led to your decision to quit. Explain to the ALJ all the different ways in which you attempted to resolve the problems that led to your decision, such as: requests for meetings with management, requests for leaves of absence, requests to transfer, and use of a grievance procedure.

B. Were You Terminated Because You Committed Misconduct?

The most common issue on appeal is whether you were discharged for “misconduct.” The UI program provides benefits only to workers who were separated through no fault of their own. Employees discharged for work-connected misconduct are therefore not entitled to benefits. The employer has the burden of proving that you were discharged for misconduct. To prove misconduct, your employer must show each of the following four elements:

- **A material duty that you owe to the employer.** A “material duty is one which is inherent in and properly part of the job.” For example, a waiter owes the employer a duty to report to work on time, but does not owe the employer a duty to baby-sit the employer’s children.
- **A substantial breach of that duty.** “Substantial” means that the incident must be more than a very small deviation from the usual practice. For example, reporting to work one minute late would not be substantial, whereas repeatedly showing up three hours late would be substantial.
- **A breach that demonstrates either willful or wanton disregard for the duty.** This means that you committed the act of misconduct knowingly or intentionally or in reckless disregard of any potential consequences.
- **A breach that tends to harm the business interests of the employer.** This could be anything from making a business look bad in front of customers to sabotage of product quality.

Since the employer must prove each of these four elements to show misconduct, you simply need to convince the ALJ that one or more of these elements were not present. You can accomplish this in any one of the following ways: argue that you did not owe the duty in question; argue that the breach was trivial; argue that the breach was neither willful nor wanton; or argue that no harm could have flowed to your employer’s business interest from your behavior.

In addition to claiming that one or more of the four elements of misconduct were not present, you may avoid disqualification for misconduct by claiming one of the following specific defenses that have been established by prior decisions of the CUIAB:

- **Poor Performance Defense.** Poor performance or failure to meet the employer’s standards is not considered misconduct because it is generally not intentional. Therefore, you may avoid a misconduct disqualification by arguing that what your former employer perceived as misconduct was not intentional, but rather a result of your inability to meet the employer’s standards. This defense, however, will not prevent a misconduct disqualification if you were terminated because you were regularly sloppy and negligent or admittedly stopped caring about the quality of your work.
- **Single, Isolated Incident Defense.** This defense can be used when the triggering incident for the termination was a first-time offense, involving conduct that was unusual, uncontrollable or motivated by a momentary lapse of good judgment. For example, if you had always been commended for your customer service and then were fired for getting into one brief argument with a rude customer, you could use this defense. You may avoid a misconduct disqualification in such a case by arguing that you never made such a mistake in the past and did not understand the consequences. The single, isolated incident defense will not, however, be helpful if you had been previously warned by the employer for similar conduct.
- **Causal Connection Defense.** The employer has to show that the “triggering incident” for your discharge is misconduct. You may avoid disqualification in such a case by arguing that you were actually discharged for another reason that didn’t amount to misconduct. For example, your employer might say that you were terminated for arguing with customers. You could respond by explaining that it had been months since you argued with a customer and that the real reason the employer fired you was because he/she didn’t like your recent haircut.
- **Employer Condone Behavior Defense.** If your employer condones your behavior by failing to discharge you immediately, you may avoid disqualification for misconduct. In some cases, you can argue that this defense applies because the employer accepted similar behavior from other employees without a punishment. For example, if your employer claims that you were fired because of repeatedly coming to work late, you could use this defense by showing that all the employees regularly came to work late.

The following are some examples of actions that usually are misconduct: insubordination; repeated and unexcused absenteeism or tardiness; dishonest acts or statements; discourtesy toward customers or the public; an inability to get along with co-workers; and violence, sleeping, or drug use while on the job.

VI. CONTINUING ELIGIBILITY REQUIREMENTS

After you are deemed eligible for benefits by the EDD (or by an Administrative Law Judge following an appeal hearing), in order to *stay* eligible and continue receiving benefits, you must (1) remain unemployed or underemployed, (2) be physically and mentally able to work in your customary occupation, (3) be immediately available for suitable work in a substantial field of employment, (4) be actively seeking work, and (5) comply with the EDD's reporting requirements by submitting biweekly Continued Claim Forms. Failure to meet any of these requirements (explained below) could lead to disqualification, penalties, and/or the repayment of benefits.

A. Unemployed and Underemployed

You cannot receive benefits during any week that you work if your earnings are more than 1.33 times your weekly benefit amount. If you are earning some money, but less than 1.33 times your weekly benefit amount, you must indicate this on your Continue Claim Form (discussed below) and your weekly benefit amount will be reduced. See Section II, A above for a more detailed explanation of this reduction.

B. Able to Work

Generally, being “able to work” means that you are physically and mentally capable of working at your “usual or customary job.” Your usual or customary job means a job similar to your last one or another job for which you are qualified and reasonably fitted.

If you have an injury or illness that does not prevent you from working or seeking work, but simply requires an “accommodation” (e.g., lifting restrictions, special equipment, limitations on the number of hours spent sitting, etc.), you *may* still meet the requirement of being “able to work.”

If you have an injury or illness that prevents you from working for one or more days during the week, you must indicate this on your Continued Claim Form (discussed below) and your weekly benefit amount will be reduced. If an injury or illness keeps you from working for eight or more consecutive days, you should stop collecting UI benefits and file a claim with the EDD for temporary State Disability Insurance (SDI) benefits. As soon as you are healthy enough to work, you can stop your SDI benefits and re-start your UI claim.

C. Available for Work

Being “Available” for work means that you are (1) immediately willing to accept suitable work (that you have no good cause for refusing) and (2) open to a substantial field of employment. You are presumed to be available to accept work. However, the EDD may disqualify you for being unavailable if it learns that you are restricting your search for work in some way (such as being unwilling to work certain days or hours or unwilling to accept work in which you have experience) and that you do not have good cause for the restriction.

You may be disqualified from benefits for refusing an offer of suitable work without good cause. To be disqualified on this ground, the EDD or the employer must prove that you actually refused a valid offer of suitable work.

Common situations that may cause disqualification for lack of availability include: limiting your search to part-time work (if you were not previously a part-time worker), limiting your search to a small geographic area, attending school, caring for your child full-time, self employment, and incarceration. Prior to limiting your job search for any of these reasons, you should contact your local EDD office to ensure that the limitation will not disqualify you.

D. Actively Seeking Work

You must actively search for suitable work during the weeks in which you are claiming benefits. Your search must be aimed at getting employed immediately.

Contacting at least three or more employers a week is probably enough to constitute an active search. You should keep a record of employers that you contact about work because the EDD may ask you for details about your job search.

E. Complying with the EDD's Reporting Requirements

1. Continued Claim Forms. You must submit a Continued Claim Form to the EDD every two weeks starting with the effective date of your claim filing.

If you fail to submit the form or turn it in late, you will not receive benefits for that two-week period unless you can show a compelling reason that would have prevented any reasonable person from filing the claim form on time. Forgetting to complete the form is not good cause for a late submission, but the need to care for an ill family member probably is a good reason.

On the Continued Claim Form, you must answer questions to confirm that you have met all the continuing eligibility requirements discussed above. In addition, you must report any wages that you earned during that time, even if those wages were not actually paid during the two-week period. Your signature on the form certifies that the information is true. False statements, discussed below, can have serious consequences. If you do not understand a question or are unsure about an answer, contact your local EDD office for clarification.

2. Job Search Workshops. The EDD may require you to attend an Initial Assistance Workshop on how to search for work. You must attend this workshop regardless of whether you think it is worthwhile. If you fail to attend, you risk incurring a one-week disqualification from benefits.

VII. DISQUALIFICATIONS, PENALTIES, AND OVERPAYMENTS

There are a variety of ways that you can be disqualified from receiving benefits or be delayed in receiving them. Even worse, in some cases you may be asked to pay a penalty and/or return benefits previously received. Some of the most common pitfalls you may encounter (and suggestions for how best to deal with them) are discussed below.

A. *Failure to Meet Continuing Eligibility Requirements*

1. Overview. If the EDD decides that you did not meet one of the continuing eligibility requirements (described above in Section VI), you will be disqualified from receiving benefits. Disqualifications most commonly arise from the “able” and “available” requirements.

If you are disqualified because you were not able or available for work, your benefits will resume as soon as you can show the EDD that the disqualifying reason no longer exists.

- If you believe that you have been wrongfully disqualified, you may appeal the disqualification. The procedure for an appeal is explained below.
- If you believe that you have been properly disqualified, you may accept the disqualification notice and simply contact the EDD to “reopen” the claim once you are again able and available to work. Accepting the denial and reopening the claim later will mean that you don’t get benefits during the interim period, but it may not affect the total amount of benefits you receive over time.

If you are disqualified because you refused an offer of suitable work without good cause, you will be eligible for benefits again after a 2 to 10 week disqualification period (decided by the EDD). The length of the disqualification period can be reduced on appeal. You will not lose any money if you are penalized with a disqualification period; this penalty merely delays the receipt of benefits, rather than reducing your total benefit amount.

2. Appealing Your Disqualification. If you disagree with your disqualification, you can appeal by submitting the appeal form or sending a brief letter to the EDD stating your disagreement. You must send this letter within 20 days of the Notice of Disqualification that was mailed to you. In addition to the general information about the appeals process discussed above in Section IV, here are two specific tips when appealing an EDD determination that you were not “able” or “available” for work:

- You should be prepared to show that any limitations you placed on your ability to accept work are trivial and will not substantially affect your chances of becoming employed. For example, if the EDD determines that you are not “available” for work because you have limited the geographical area of your work search, be prepared to show how far you are willing to travel to obtain work and what forms of transportation you intend to use.

- If the EDD determined that your childcare commitments or school schedule makes you unavailable for work, be prepared to explain how and why you can still legitimately work full-time (e.g. you can make alternative childcare arrangements with friends or family).

B. False Statements and Overpayments

1. Overpayments. An overpayment occurs when you receive benefits to which you were not entitled. In most cases, the EDD will attempt to recover the overpaid benefits and, in some cases, a substantial penalty. Common causes of overpayments include:

- **Overpayments due to fraudulent or false statements.** If you were overpaid benefits because you made a false statement, the EDD will normally impose three separate penalties. First, the EDD will try to collect the amount of any benefits received as a result of the false statement. Second, the EDD will impose a false statement penalty equal to 30 percent of the overpaid benefits. Third, the EDD will disqualify you from receiving benefits for 5 to 10 weeks (depending on the number of false statements) during the period in which you would otherwise be eligible to receive benefits.
- **Overpayments due to loss on appeal.** If you elect to receive benefits while your employer appeals your eligibility and your employer ultimately prevails, you may be required to repay all benefits received between the date of the notice and the final decision on the appeal.
- **Overpayments due to the EDD's mistake.** In many instances, an overpayment is the result of a mistake committed by the EDD. Even in these cases, you will be required to repay the benefits.

2. Avoiding Repayment Through Waiver or Appeal. If you are unable to repay the benefits in a lump sum, you can normally arrange with the EDD to make payments in installments. Alternatively, if you cannot afford to pay, you can request that the EDD waive repayment by filling out a form describing your financial circumstances.

If your waiver is denied, you can appeal the denial by requesting a hearing before an Administrative Law Judge.

Whether you try to avoid repayment by waiver or appeal, the same legal standard will apply. If you pursue an appeal, be sure to review the general information about the appeals process discussed above in Section IV.

To avoid liability for the overpayment, you must show that all three of the following factors are present:

- **You didn't make a false statement.** Your alleged fraud, misrepresentation, or willful nondisclosure must not have led to the overpayment. Proving this element alone is enough to avoid having to pay the 30 percent false statement penalty.

- **The overpayment was not your fault.** You must have received the overpayment “without fault.” For example, it is not your fault if you relied in good faith on information provided to you by the EDD.
- **Recovery is unfair and would unduly burden you.** You must show that the overpayment is “against equity and good conscience.” The following four factors help make this determination: the cause of the overpayment, whether a duplicate benefit was received, whether you relied on the benefits, and whether paying back the overpayment would impose an extraordinary hardship on you and, therefore, defeat the objectives of the UI system. Be prepared to describe your financial circumstances, including your assets, outstanding loans, monthly expenses, and monthly income (if any).

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- I. Appeal Form (from the EDD)
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- L. Sample Letter: Requesting Record for a Board Appeal

APPENDIX A.

EDD and CUIAB Contact Information

EDD Contact Information

http://www.edd.ca.gov/Unemployment/Contact_UI.htm

English 1-800-300-5616 (or 1-866-333-4606 for automated service)
Spanish 1-800-326-8937 (or 1-866-333-4606 for automated service)
Cantonese 1-800-547-3506
Mandarin 1-866-303-0706
Vietnamese 1-800-547-2058
TTY (Non Voice): 1-800-815-9387

By Fax 1-866-215-9159

By Mail: Employment Development Department
P.O. Box 826880 - UICPD, MIC 40
Sacramento, CA 94280-0001

Website: www.edd.ca.gov

CUIAB Contact Information

<http://www.cuiab.ca.gov/directory.shtm>

Details for four of the twelve Field Offices:

OAKLAND

1515 Clay Street, Suite 902
Oakland, California 94612-1413
(510) 622-3900 Phone
(510) 622-3929 Fax

SAN JOSE

2665 N. First Street, 2nd Floor
San Jose CA 95134
(408) 232-3036 Phone
(408) 232-3048 Fax

SAN FRANCISCO

185 Berry Street, Lobby 5, Suite 200
San Francisco, California 94107
(415) 357-3801 Phone
(415) 357-3830 Fax

SACRAMENTO

2400 Venture Oaks Way , Suite 100
Sacramento, California 95833-4224
(916) 263-6706 Phone
(916) 263-6765 Fax

Website: <http://www.cuiab.ca.gov/index.shtm>

APPENDIX B.

Additional Sources of Information

EMPLOYMENT DEVELOPMENT DEPARTMENT (EDD)

Frequently Asked Questions (FAQs). Divided into different topic areas, including: Using the Automated Telephone System; Appeals, Eligibility; Fraud; Collecting Benefits; Out of State, Military, and Federal Claims, Partial Claims; and Work Sharing Claims.

[http://www.edd.ca.gov/Unemployment/FAQ - Contacting UI.htm](http://www.edd.ca.gov/Unemployment/FAQ_-_Contacting_UI.htm)

UI Forms and Publications. Includes a variety of fact sheets, publications, and forms.

http://www.edd.ca.gov/Unemployment/Forms_and_Publications.htm

Benefit Determination Guide. This is a detailed discussion of UI Law, divided into eligibility sections, including: Able and Available (AA), Misconduct (MC), Suitable Work (SW), Trade and Partial Unemployment (TPU), Trade Dispute (TD), and Voluntary Quit (VQ).

<http://www.edd.ca.gov/UIBDG/>

CALIFORNIA UNEMPLOYMENT INSURANCE APPEALS BOARD (CUIAB)

Precedent Decisions. Indexed by section, number, and code section.

http://www.cuiab.ca.gov/precedent_decisions.htm

27 Ways to Avoid Losing Your UI Appeal (11 pages, PDF).

<http://www.cuiab.ca.gov/documents/27%20Ways.pdf>

Appeals Procedure (10 pages, PDF).

<http://www.cuiab.ca.gov/documents/Appeals%20Procedure%20Manual.pdf>

A Guide for Claimants, Employers, and Their Representatives (51 pages, PDF).

<http://www.cuiab.ca.gov/documents/Unemployment%20Appeals%20Guide.pdf>

OTHER SOURCES

California UI Code.

<http://www.leginfo.ca.gov/cgi-bin/calawquery?codesection=uic&codebody=&hits=20>

CA Code of Regulations. UI regulations are located in Title 22, Divisions 1.

<http://government.westlaw.com/linkedslice/default.asp?SP=CCR-1000>

APPENDIX C.

Sample Letter: Personnel File Documents

[Your name]
[Your street address]
[Your city, state, zip]

[Date]

[Your former employer]
[Your former employer's street address]
[Your former employer's city, state, zip]

Re: Personnel File

Dear [Mr./Mrs.] [Your Former Employer]:

I am writing to request that you make my personnel file available to me for inspection, as is my right under California Labor Code section 1198.5. The California Labor Commissioner has interpreted this provision to apply to current *and former* employees.

I also request that you provide me with copies of those documents in my personnel file which bear my signature, as is my right under California Labor Code section 432.

The law requires that the file be made available to me within a "reasonable" amount of time, so please notify me immediately as to when I may inspect the file. I look forward to your reply.

Thank you for your attention to this matter.

Sincerely,

[Your Signature]

[Your name]
[Your social security #]

APPENDIX D.

Checklist: Info You Need to File a UI Claim

Hardcopy begins on next page.

Also available online at:

http://www.edd.ca.gov/pdf_pub_ctr/de2326.pdf

UNEMPLOYMENT INSURANCE

Information You Need to File an Unemployment Insurance Claim



Checklist ✓✓✓

When your job has ended or your employer has cut back work hours, apply immediately for Unemployment Insurance benefits.

- The start date or effective date of an Unemployment Insurance claim is NOT based on when the job ended or when the employer cut back hours.
- Claims start on the Sunday of the week an Unemployment Insurance application is submitted.

Gather information. Have the following items ready before applying.

→ Your Information:

- ✓ Social Security Number
- ✓ Name (including prior names [e.g., married or maiden names]), mailing address, and telephone number
- ✓ Driver's license or ID card number
- ✓ Alien registration number and expiration date, if a non-citizen
- ✓ DD Form 214 if you served in the military in the last 18 months

→ Last Employer Information:

- ✓ The last employer is the business or company you last physically worked for or could still be working for part-time
- ✓ Name of company as it appears on your pay check stub or W-2 form (This could be a payroll agency or staffing agency)
- ✓ Complete mailing address including zip code and physical location
- ✓ Company's phone number and supervisor's name
- ✓ The reason for working reduced hours or no longer working with the employer

→ Employment History (ALL employers in the last 18 months including the last employer):

- ✓ Name of ALL employers as they appear on your pay check stub or W-2 form
- ✓ Period of employment (start date and end date)
- ✓ Wages earned and how you were paid (hourly, weekly, monthly)

APPENDIX E.
How to File a UI Claim

Hardcopy begins on next page.

Also available online at:

http://www.edd.ca.gov/pdf_pub_ctr/de2320m.pdf

WHAT OTHER RESOURCES ARE AVAILABLE

Through the One-Stop Career Centers, EDD provides people with tools they need to find a job. Services include automated job listings, résumé and job search workshops, and referrals to training. All of these no-fee resources are provided to ensure that a job search is a successful one. One-Stop Career Centers offer:

- Job search assistance
- Job listings through CalJOBSSM
- Access to telephones, Internet, printers, fax machines, and copy machines
- Workshops
- Information on wages and trends
- Community resources
- Referrals to other services
- And more

To find the nearest One-Stop Career Center call the Employment and Training Administration's Toll-Free Help Line at **1-877-US 2 JOBS** (1-877-872-5627) or access **www.servicelocator.org** to receive information about available services in your local community. The information is available in more than 140 languages and there is TTY access (1-877-889-5627) for the hearing impaired.



www.edd.ca.gov/eapply4ui



STATE OF CALIFORNIA

LABOR AND WORKFORCE DEVELOPMENT AGENCY

EMPLOYMENT DEVELOPMENT DEPARTMENT

EDD is an equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities. Requests for services, aids, and/or alternate formats need to be made by calling the information numbers listed in this brochure.

HOW TO FILE AN UNEMPLOYMENT INSURANCE CLAIM



www.edd.ca.gov/eapply4ui



WHO SHOULD FILE

You may be eligible to receive Unemployment Insurance (UI) benefits, if you are out of work or your hours are reduced and you are:

- Physically able to work
- Actively seeking work
- Ready to accept work

WHEN TO FILE

You should apply for benefits as soon as you are unemployed or your hours are reduced. Your claim will be effective on the Sunday prior to the date you file. All claims have a one-week, unpaid waiting period.

HOW MUCH UI PAYS

You can receive a minimum of \$40 to a maximum of \$450 a week up to 26 weeks depending on your past quarterly earnings.

WHAT YOU NEED TO FILE

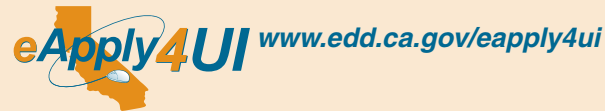
To determine if you are eligible to receive benefits, you will be asked a variety of questions such as information about your past employers and the reason you are out of work. To ensure your claim is filed as quickly as possible, you should have the following information ready before you file your claim:

- Your name, address, telephone number, birth date, and social security number
- Your last employer's name, address, telephone number, and last date worked
- The specific reason you are no longer working
- Your citizenship status, and if applicable, your alien registration number
- Driver's license number or State ID number

HOW TO FILE

ON-LINE

File on-line with eApply4UI – the fast, easy way to file a UI claim! You can file a new claim, or reactivate an existing claim anytime, at your convenience, in English or Spanish with eApply4UI. It is secure, reliable, and available 24 hours a day.



TELEPHONE

To speak with a customer service representative, call one of the toll-free numbers below, from anywhere in the U.S., between 8 a.m. and 5 p.m. (Pacific Standard Time), Monday through Friday, except holidays.

- English 1-800-300-5616
- Spanish 1-800-326-8937
- Cantonese 1-800-547-3506
- Mandarin 1-866-303-0706
- Vietnamese 1-800-547-2058
- TTY 1-800-815-9387

MAIL OR FAX

A paper application, UI Application, DE 11011, is available on-line at www.edd.ca.gov. Print out the application, hand write your answers, and mail or fax it to EDD for processing.

WHAT HAPPENS NEXT

After you file your claim, please allow 10 days for processing. If you do not receive notification in the mail after 10 days, contact EDD.



FREQUENTLY ASKED QUESTIONS

When is the best time to call a customer service representative?

To lessen your wait time, avoid calling during our busiest times: Mondays, the day after a holiday, and between 8 a.m. and 8:30 a.m. Our least busy days are Wednesdays and Thursdays.

What is the status of my unemployment check?

To find out the status of your unemployment check through our automated system, call one of the toll-free numbers listed on the previous panel.

The best time to call the automated system is on weekdays between 6 a.m. and 8 a.m., after 5 p.m., or any time on the weekend.

Note: Payment information is updated once a day at 6 a.m., Tuesday through Saturday, and does not change until the following day. It is only necessary to call one time a day.

What is a PIN and why do I need one?

The PIN is a 4-digit Personal Identification Number (PIN), which you choose. You may use it to access your confidential UI claim information, including the status of your unemployment check, through EDD's automated telephone system.

APPENDIX F.
UI Application

Hardcopy begins on next page.

Also available online at:

http://www.edd.ca.gov/pdf_pub_ctr/de1101id.pdf

For Department Use Only	
Date Received:	_____
Date Postmarked/Faxed:	_____
Effective Date:	_____

UNEMPLOYMENT INSURANCE APPLICATION

FILING INSTRUCTIONS

Complete this application including any applicable attachment(s). Print or type the information. Use blue or black ink only.

Answer all questions on each page. Review your application thoroughly for completeness. An incomplete application may delay or prevent the filing of your claim, or cause benefits to be denied. If the Department needs to verify any of the information you provide while filing a claim, you will receive additional forms by mail and will be asked to provide additional information and/or documentation.

APPLICATION QUESTIONS

The answers you give to the questions on this application must be true and correct. You may be subject to penalties if you make a false statement or withhold information.

<p>1. What is your Social Security Number as given to you by the Social Security Administration?</p> <p>a) If EDD assigned you an EDD Client Number (ECN), please provide the ECN here. (An ECN is a 9-digit number beginning with 999.)</p>	<p>1. _____</p> <p>a) _____</p>
<p>2. List any other Social Security Numbers you have used.</p>	<p>2. _____</p> <p>_____</p>
<p>3. What is your <u>full</u> name?</p>	<p>3. Last _____</p> <p>First _____</p> <p>Middle Initial _____</p>
<p>4. Is this the name that appears on your Social Security card?</p> <p>a) If no, provide the name that appears on your Social Security card.</p>	<p>4. <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>a) Last _____</p> <p>First _____</p> <p>Middle Initial _____</p>
<p>5. List any other names you have used.</p>	<p>5. _____</p> <p>_____</p>
<p>6. What is your birth date?</p>	<p>6. _____ (mm/dd/yyyy)</p>
<p>7. What is your gender?</p>	<p>7. <input type="checkbox"/> Male <input type="checkbox"/> Female</p>
<p>8. Would you prefer your written material in English or Spanish?</p> <p>a) What is your preferred spoken language?</p>	<p>8. <input type="checkbox"/> English <input type="checkbox"/> Spanish</p> <p>a) _____</p>
<p>9. Have you filed a California Unemployment Insurance or a Disability Insurance claim in the last two years?</p> <p>a) If yes, please list for each type of claim, the most recent date(s) of when the claim(s) was filed.</p>	<p>9. <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Unemployment Claim Date(s) (mm/dd/yyyy)</p> <p>_____</p> <p>Disability Claim Date(s) (mm/dd/yyyy)</p> <p>_____</p>

UNEMPLOYMENT INSURANCE APPLICATION

Social Security Number: _____ - _____ - _____

<p>10. Do you have a Driver's License issued to you by a state/entity?</p> <p>a) If yes, provide the name of the issuing state/entity and your Driver's License number.</p> <p>If no, answer questions b-d:</p> <p>b) Do you have an Identification Card issued to you by a state/entity?</p> <p>c) If yes, provide the name of the issuing state/entity and your Identification Card number.</p> <p>d) How do you look for work and, if you have work, how do you get to work?</p>	<p>10. <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>a) Name of issuing state/entity: _____ Driver's License Number: _____</p> <p>If no, answer questions b-d:</p> <p>b) <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>c) Name of issuing state/entity: _____ Identification Card Number: _____</p> <p>d) Please Explain: _____ _____ _____</p>
<p>11. What is your telephone number?</p> <p>a) If you are deaf, hard of hearing, or have a speech disability and use TTY or California Relay to communicate, check the appropriate box.</p>	<p>11. (_____) _____ - _____</p> <p>a) <input type="checkbox"/> TTY (Non Voice) <input type="checkbox"/> California Relay Service</p>
<p>12. What is your mailing address? (Include your city, state, and ZIP code)</p>	<p>12. Street: _____ Apt. _____ City: _____ State: ____ ZIP Code: _____</p>
<p>13. Is your residence address the same as your mailing address?</p> <p>a) If no, enter your residence address. (Include your city, state, ZIP code and apartment number.) A residence address cannot be a P.O. Box. Please provide a street address.</p>	<p>13. <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>a) Street: _____ Apt. _____ City: _____ State: ____ ZIP Code: _____</p>
<p>14. If you do not live in California, what is the name of the County in which you live?</p>	<p>14. _____</p>
<p>15. What is the highest grade of school you have completed? Check only one box.</p> <p><input type="checkbox"/> Did not complete High School <input type="checkbox"/> High School Diploma or GED <input type="checkbox"/> Some college or vocational school</p> <p><input type="checkbox"/> Associate of Arts <input type="checkbox"/> Bachelor of Arts or Science <input type="checkbox"/> Masters or Doctorate</p>	
<p>16. Are you a Military Veteran?</p>	<p>16. <input type="checkbox"/> Yes <input type="checkbox"/> No</p>

UNEMPLOYMENT INSURANCE APPLICATION

Social Security Number: _____ - _____ - _____

17. Provide your employment and wages information for the past 18 months. If you worked for a temporary agency, a labor contractor, an agent for actors or actresses, or an employer where wages are reported under a corporate name, your wages may have been reported under that employer name. You may want to refer to your check stub(s) or W-2(s) to obtain the name of your employer.

- a) Name(s) of **all employers** you worked for in the last 18 months.
- b) Period of employment (Dates Worked).
- c) Total Wages earned for **each employer** in the last 18 months.
- d) How you were paid (specify hourly, weekly, monthly, annually, commission, or at piece rate).
- e) Check the appropriate "Yes/No" box if the employer is (or is not) a school or educational institution.

NOTE: It is very important that you report the employer name(s), period of employment and wages correctly. Failure to provide complete information will result in your benefits being delayed or denied.

a) Employer Name _____	b) Dates Worked From: _____ To: _____	c) Total Earnings \$ _____	d) How were you paid? _____
e) Is this employer a school employer? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, provide phone number (_____) _____ - _____			

a) Employer Name _____	b) Dates Worked From: _____ To: _____	c) Total Earnings \$ _____	d) How were you paid? _____
e) Is this employer a school employer? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, provide phone number (_____) _____ - _____			

a) Employer Name _____	b) Dates Worked From: _____ To: _____	c) Total Earnings \$ _____	d) How were you paid? _____
e) Is this employer a school employer? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, provide phone number (_____) _____ - _____			

a) Employer Name _____	b) Dates Worked From: _____ To: _____	c) Total Earnings \$ _____	d) How were you paid? _____
e) Is this employer a school employer? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, provide phone number (_____) _____ - _____			

a) Employer Name _____	b) Dates Worked From: _____ To: _____	c) Total Earnings \$ _____	d) How were you paid? _____
e) Is this employer a school employer? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, provide phone number (_____) _____ - _____			

a) Employer Name _____	b) Dates Worked From: _____ To: _____	c) Total Earnings \$ _____	d) How were you paid? _____
e) Is this employer a school employer? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, provide phone number (_____) _____ - _____			

<p>18. During the past 18 months did you work for any other employers not listed in question 17?</p> <p>If yes, list the employer name, dates worked, total earnings, and how you were paid on a separate sheet of paper. Attach the additional sheet of paper to this application.</p>	<p>18. <input type="checkbox"/> Yes <input type="checkbox"/> No</p>
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UNEMPLOYMENT INSURANCE APPLICATION

Social Security Number: _____ - _____ - _____

<p>19. Which employer in question 17 did you work for the longest?</p> <p>a) What type of business was operated by the employer? (Please be specific. For example, restaurant, dry cleaning, construction, book store.)</p> <p>b) How long did you work for that employer?</p> <p>c) What type of work did you do for that employer?</p>	<p>19. Employer name: _____</p> <p>a) Type of business: _____</p> <p>b) Years _____ Months _____</p> <p>c) _____</p>
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<p>20. What is your usual occupation?</p>	<p>20. _____</p>
---	------------------

<p>21. Is your usual work seasonal?</p> <p>If yes, answer questions a-c:</p> <p>a) When does the season usually begin?</p> <p>b) When does the season usually end?</p> <p>c) What other work related skills do you have?</p>	<p>21. <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes, answer questions a-c:</p> <p>a) _____</p> <p>b) _____</p> <p>c) _____</p>
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Please provide information on your **very last employer**. This is the employer you last worked for regardless of the length of time you worked at that job, the type of work you did for that employer or whether or not you have been paid.

Reminder: To file a claim, individuals must be out of work or working less than full time. You must provide information on the last employer you worked for as an employee. Do not include self-employment unless you have elective coverage.

<p>22. What is the last date you actually worked for your very last employer?</p> <p>a) What are your gross wages for your last week of work? For unemployment insurance purposes, a week begins on Sunday and ends the following Saturday.</p> <p>b) What is the complete name of your very last employer?</p> <p>c) What is the mailing address of your very last employer?</p> <p>d) Is the physical address of your very last employer the same as their mailing address? (A physical address cannot be a P.O. Box. Please provide a street address.)</p> <p style="padding-left: 40px;">If no, what is the physical address of your very last employer?</p> <p>e) What is the telephone number of your very last employer at their physical address?</p> <p>f) What is the name of your immediate supervisor?</p> <p>g) Briefly explain in your own words the reason you are no longer working for your very last employer, within the space provided. Please do not include any attachments.</p>	<p>22. _____ (mm/dd/yyyy)</p> <p>a) \$ _____</p> <p>b) Name _____</p> <p>c) Mailing address: Street: _____ City: _____ State: _____ ZIP Code: _____</p> <p>d) <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Physical address: Street: _____ City: _____ State: _____ ZIP Code: _____</p> <p>e) (____) _____ - _____</p> <p>f) _____</p> <p>g) Reason: _____ _____ _____ _____</p>
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UNEMPLOYMENT INSURANCE APPLICATION

Social Security Number: _____ - _____ - _____

<p>23. Are you (directly or indirectly) out of work with any employer (last employer or any employer in the last 18 months) due to a trade dispute, such as a strike or a lockout? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes and a union was/is involved, answer questions a-b:</p> <p>a) What is the name and telephone number of the union? Name _____ Phone: (____) _____ - _____</p> <p>b) Are you going to receive strike benefits? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>If yes and a union was not/is not involved, answer questions c-e:</p> <p>c) How many employees left work? _____</p> <p>d) Was there a spokesperson for the employees? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>e) If yes, what is his/her name and telephone number? Name: _____ Phone: (____) _____ - _____</p>
<p>24. Are you currently working for or do you expect to work for any school or educational institution or perform school-related work?</p> <p>If yes, answer questions a-e:</p> <p>a) Provide the following information for the school or educational institution(s).</p> <p>b) Are you a substitute teacher for Los Angeles Unified School District (LAUSD)?</p> <p>If yes, answer question 1)</p> <p style="margin-left: 40px;">1) Have you restricted your availability to work with LAUSD?</p> <p style="margin-left: 40px;">If yes, provide the following dates you restricted your availability and the reason why your availability is restricted.</p> <p>c) Are you currently in a recess period or off track?</p> <p>d) Do you have reasonable assurance to return to work after the recess period or the off track period with any school or educational institution?</p> <p>e) What is the beginning date of your next recess or the next off track period?</p>	<p>24. <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes, answer questions a-e:</p> <p>a) Name _____ Mailing Address: _____ Street: _____ City: _____ State: _____ Zip Code: _____ Phone: (____) _____ - _____</p> <p>a) Name _____ Mailing Address: _____ Street: _____ City: _____ State: _____ Zip Code: _____ Phone: (____) _____ - _____</p> <p>b) <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes, answer question 1)</p> <p style="margin-left: 40px;">1) <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p style="margin-left: 40px;">Dates From: _____ (mm/dd/yyyy) To: _____ (mm/dd/yyyy)</p> <p style="margin-left: 40px;">Reason: _____ _____ _____</p> <p>c) <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>d) <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, when? _____ (mm/dd/yyyy)</p> <p>e) _____ (mm/dd/yyyy)</p>

UNEMPLOYMENT INSURANCE APPLICATION

Social Security Number: _____ - _____ - _____

<p>25. Do you expect to return to work for any former employer?</p>	<p>25. <input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>26. Do you have a date to start work with any employer? If yes, answer question a: a) What date will you start work?</p>	<p>26. <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, answer question a: a) _____ (mm/dd/yyyy)</p>
<p>27. Are you a member of a union? If yes, answer questions a-e: a) What is your union name and local number? b) Are you in good standing with your union? c) Does your union look for work for you? d) Does your union control your hiring? e) Are you registered with your union as out of work?</p>	<p>27. <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, answer questions a-e: a) _____ b) <input type="checkbox"/> Yes <input type="checkbox"/> No c) <input type="checkbox"/> Yes <input type="checkbox"/> No d) <input type="checkbox"/> Yes <input type="checkbox"/> No e) <input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>28. Are you currently attending, or do you plan on attending school or training? If yes, answer question a-e: a) What is the starting date of the school or training? b) What is the ending date of the current session? c) What is the name of the school? d) What is the telephone number of the school? e) What are the days and hours you are attending, or plan to attend, school? NOTE: If you completed apprenticeship training, use the space provided above to report the information. Be sure to mail your training certificate with your Continued Claim Form, DE 4581, for the week(s) of training.</p>	<p>28. <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, answer questions a-e: a) _____ (mm/dd/yyyy) b) _____ (mm/dd/yyyy) c) _____ d) (____) ____ - _____ e) Days and hours _____ _____</p>
<p>29. Are you available for immediate full-time work in your usual occupation? a) If no, please explain why you are not available for full-time work.</p>	<p>29. <input type="checkbox"/> Yes <input type="checkbox"/> No a) Explanation: _____ _____</p>
<p>30. Are you available for immediate part-time work in your usual occupation? a) If no, please explain why you are not available for part-time work.</p>	<p>30. <input type="checkbox"/> Yes <input type="checkbox"/> No a) Explanation: _____ _____</p>
<p>31. Are you currently self-employed, or do you plan to become self-employed? (Self-employment means you have your own business or work as an independent contractor.)</p>	<p>31. <input type="checkbox"/> Yes <input type="checkbox"/> No</p>

UNEMPLOYMENT INSURANCE APPLICATION

Social Security Number: _____ - _____ - _____

<p>32. Are you now, or have you been in the last 18 months an officer of a corporation or union or the sole or major stockholder of a corporation?</p> <p>If yes, answer question a:</p> <p>a) Include name of organization and your title or position.</p>	<p>32. <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes, answer question a:</p> <p>a) _____</p>
<p>33. Are you currently receiving a pension?</p> <p>If yes, answer question a:</p> <p>a) Are you currently receiving more than one pension?</p> <p style="padding-left: 20px;">If yes, proceed to question 35. If no, answer questions b-f:</p> <p>b) What is the name of the pension provider?</p> <p>c) Is the pension based on another person's work or wages?</p> <p>d) Is the pension a union pension or a pension funded by more than one employer?</p> <p>e) What is the name of the employer(s) paying into the pension?</p> <p>f) Did you work for that employer in the last 18 months?</p>	<p>33. <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes, answer question a:</p> <p>a) <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p style="padding-left: 20px;">If yes, proceed to question 35. If no, answer questions b-f:</p> <p>b) _____</p> <p>c) <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>d) <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>e) _____</p> <p>f) <input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>34. Will you receive any additional pension(s) in the next twelve months?</p> <p>If yes, answer questions a-b:</p> <p>a) What is the name of the pension provider(s)?</p> <p>b) When will you receive the pension(s)?</p>	<p>34. <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes, answer questions a-b:</p> <p>a) _____</p> <p>b) _____ (mm/dd/yyyy) _____ (mm/dd/yyyy)</p>
<p>35. Are you receiving, or do you expect to receive, Workers' Compensation?</p> <p>If yes, answer questions a-d:</p> <p>a) Who is the insurance carrier?</p> <p>b) What is the insurance carrier's telephone number?</p> <p>c) What is the case number, if known?</p> <p>d) What are the dates of your claim, if known?</p>	<p>35. <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes, answer questions a-d:</p> <p>a) _____</p> <p>b) (____) _____ - _____</p> <p>c) _____</p> <p>d) From: _____ (mm/dd/yyyy) To: _____ (mm/dd/yyyy)</p>

UNEMPLOYMENT INSURANCE APPLICATION

Social Security Number: _____ - _____ - _____

36. Have you received or do you expect to receive, any payments from your last employer, other than your regular salary? (Example: holiday pay, vacation pay, severance pay, in-lieu-of-notice pay, etc.) Yes No

If yes, please provide the information requested in sections A-D.

A. TYPE OF PAYMENT (Example: vacation pay)	B. AMOUNT OF PAYMENT (Example: \$600)	C. PAID FROM (Date: mm/dd/yyyy)	D. PAID TO (Date: mm/dd/yyyy)

37. Are you a U. S. citizen or national?

If no, answer question a:

a) Are you registered with the Bureau of Citizenship and Immigration Services (BCIS, formerly INS) and authorized to work in the United States?

If you are registered with BCIS, answer questions b-e:

b) What is your Alien Registration Number?

c) What is the expiration date of your work authorization?

d) Were you legally entitled to work in the United States for the last 19 months?

e) What is the title and number of your BCIS document?

37. Yes No

If no, answer question a:

a) Yes No

If yes, answer questions b-e:

b) _____

c) _____ (mm/dd/yyyy)

d) Yes No

e) Check one of the following:

- Alien Registration Receipt Card (I-151)
- Resident Alien Card (I-551)
- Permanent Resident Card (I-551)
- Employment Authorization Card (I-766)
- Employment Authorization Card (I-688A)
- Temporary Resident Card (I-688)
- Employment Authorized (I-688B)
- Arrival/Departure Record (I-94)
- Stamp on Visa

(Stamp states: "Processed for I-551 Temporary Evidence of Lawful Admission of Permanent Residence valid until MMDDYYYY, Employment Authorized.")

UNEMPLOYMENT INSURANCE APPLICATION

Social Security Number: _____ - _____ - _____

<p>38. What race or ethnic group do you identify with?</p>	<p>38. Check one of the following:</p> <table><tr><td><input type="checkbox"/> White</td><td><input type="checkbox"/> Black not Hispanic</td></tr><tr><td><input type="checkbox"/> Hispanic</td><td><input type="checkbox"/> Asian</td></tr><tr><td><input type="checkbox"/> American Indian/Alaskan Native</td><td><input type="checkbox"/> Chinese</td></tr><tr><td><input type="checkbox"/> Cambodian</td><td><input type="checkbox"/> Filipino</td></tr><tr><td><input type="checkbox"/> Other Pacific Islander</td><td><input type="checkbox"/> Guamanian</td></tr><tr><td><input type="checkbox"/> Asian Indian</td><td><input type="checkbox"/> Japanese</td></tr><tr><td><input type="checkbox"/> Korean</td><td><input type="checkbox"/> Laotian</td></tr><tr><td><input type="checkbox"/> Samoan</td><td><input type="checkbox"/> Vietnamese</td></tr><tr><td><input type="checkbox"/> Hawaiian</td><td></td></tr><tr><td><input type="checkbox"/> I choose not to answer</td><td></td></tr></table>	<input type="checkbox"/> White	<input type="checkbox"/> Black not Hispanic	<input type="checkbox"/> Hispanic	<input type="checkbox"/> Asian	<input type="checkbox"/> American Indian/Alaskan Native	<input type="checkbox"/> Chinese	<input type="checkbox"/> Cambodian	<input type="checkbox"/> Filipino	<input type="checkbox"/> Other Pacific Islander	<input type="checkbox"/> Guamanian	<input type="checkbox"/> Asian Indian	<input type="checkbox"/> Japanese	<input type="checkbox"/> Korean	<input type="checkbox"/> Laotian	<input type="checkbox"/> Samoan	<input type="checkbox"/> Vietnamese	<input type="checkbox"/> Hawaiian		<input type="checkbox"/> I choose not to answer	
<input type="checkbox"/> White	<input type="checkbox"/> Black not Hispanic																				
<input type="checkbox"/> Hispanic	<input type="checkbox"/> Asian																				
<input type="checkbox"/> American Indian/Alaskan Native	<input type="checkbox"/> Chinese																				
<input type="checkbox"/> Cambodian	<input type="checkbox"/> Filipino																				
<input type="checkbox"/> Other Pacific Islander	<input type="checkbox"/> Guamanian																				
<input type="checkbox"/> Asian Indian	<input type="checkbox"/> Japanese																				
<input type="checkbox"/> Korean	<input type="checkbox"/> Laotian																				
<input type="checkbox"/> Samoan	<input type="checkbox"/> Vietnamese																				
<input type="checkbox"/> Hawaiian																					
<input type="checkbox"/> I choose not to answer																					
<p>39. Do you have a disability? (A disability is a physical or mental impairment that substantially limits one or more life activities, such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, or working.)</p>	<p>39. <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> I choose not to answer</p>																				

UNEMPLOYMENT INSURANCE APPLICATION

Social Security Number: _____ - _____ - _____

SUPPLEMENTAL FORM FOR DISASTER UNEMPLOYMENT ASSISTANCE (DUA) – ATTACHMENT D

Please complete the following if you are unemployed or partially unemployed due to a disaster as you may be eligible for DUA benefits:

<p>1. Are you unemployed as a direct result of a recent disaster in California, such as an earthquake, flood, mudslide, wildfire, etc?</p> <p>If yes:</p> <p>a) Identify the type of disaster.</p> <p>b) At the time of the disaster, in which county did you reside?</p> <p>c) At the time of the disaster, in which county did you work?</p> <p>d) At the time of the disaster, was your unemployment caused by your need to travel through a disaster area?</p> <p>If yes:</p> <p>Identify the disaster county or counties that prevent travel to your job.</p> <p>e) Check the following that best applies to you:</p> <p>f) If you selected item e1 or e3 above, how many hours did you work prior to the disaster?</p> <p>g) If you selected e3 or e4 above briefly describe how the disaster affected your ability to continue or begin your self-employment.</p> <p>h) What is the physical address of your business?</p>	<p>1. <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes, answer questions a-d:</p> <p>a) _____</p> <p>b) _____</p> <p>c) _____</p> <p>d) <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>e) 1) <input type="checkbox"/> An employee who is unable to work as a direct result of the disaster.</p> <p>2) <input type="checkbox"/> An individual who was scheduled to start work for an employer, but could not because of the disaster.</p> <p>3) <input type="checkbox"/> A self-employed individual who is unable to work as a direct result of the disaster.</p> <p>4) <input type="checkbox"/> An individual who intended to begin self-employment, but could not because of the disaster.</p> <p>5) <input type="checkbox"/> An individual who became head of household as a result of the disaster.</p> <p>f) _____</p> <p>g) _____</p> <p>_____</p> <p>_____</p> <p>h) Street: _____</p> <p>City: _____</p> <p>State: _____ Zip Code: _____</p>
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DO NOT MAIL OR FAX THIS PAGE

SUBMITTING YOUR APPLICATION

Be sure to review your application thoroughly for completeness. An incomplete application may delay or prevent the filing of your claim, or cause benefits to be denied.

Submit your completed application including any applicable attachment(s) by mail or fax:

By MAIL to the following address:	EDD P.O. Box 5007 Buena Park, CA 90622-5007 NOTE: Extra postage is required.
By FAX to the following telephone number:	1-866-215-9159

Once you submit your application, allow ten days for processing of your claim. You will receive Unemployment Insurance (UI) claim materials by mail. If you have not received any UI claim materials after ten days from the date you submitted your application, call one of the following toll-free telephone numbers:

English 1-800-300-5616	Spanish 1-800-326-8937	Mandarin 1-866-303-0706
TTY (Non Voice) 1-800-815-9387	Cantonese 1-800-547-3506	Vietnamese 1-800-547-2058

Date Submitted: ___/___/___ by Mail or Fax

KEEP THIS PAGE FOR YOUR RECORDS

APPENDIX G.

Tips for Completing the Continued Claim Form

Hardcopy begins on next page.

Also available online at:

http://www.edd.ca.gov/pdf_pub_ctr/de2327.pdf

UNEMPLOYMENT INSURANCE

Managing Your Unemployment Insurance Claim

Tips for Completing the Continued Claim Form

Unemployment Insurance (UI) benefits are paid after a properly completed and signed Continued Claim form is submitted to the Employment Development Department (EDD). You will receive a Continued Claim form within 10 days of EDD processing your application for UI benefits. If you are determined initially eligible after filing your application for benefits and you meet all eligibility requirements on the Continued Claim form you return to us, a check is issued with another Continued Claim form. Claim forms are submitted every two weeks.

To prevent delay in receiving benefits, the following are tips for completing the Continued Claim form:

→ *Read the handbook.*

- ✓ A Guide to Benefits and Employment Services handbook is sent when a claim is filed and it explains how to properly complete the claim form.

→ *Use blue or black ink when completing the form.*

- ✓ Avoid colors like pink or red. They cannot be read by our electronic scanners.

→ *Mark the answers by completely filling in the box.*

- ✓ Be sure to answer every question.
- ✓ **DO NOT** use an "X" to mark your answer.

→ *Report gross wages (monies earned before taxes) in the week physically worked regardless of when the paycheck was received.*

- ✓ Review hourly wage or pay information for accuracy in reporting gross wages.
- ✓ If working part-time, it is recommended to utilize a calendar and post hours worked throughout the week. Total hours worked and calculate earnings on a weekly basis (Sunday through Saturday). This calendar can be a reference in properly completing the Continued Claim form.

→ *If reporting wages, complete ALL the fields within the rows associated with that week.*

- ✓ For example, if wages are reported in the week on the claim form, each week's row within the table must be completed.
- ✓ The "Date Last Worked" is the last day physically worked within each week.

→ *Use a ruler under each question to ensure the correct Yes/No box is being selected.*

UNEMPLOYMENT INSURANCE

Managing Your Unemployment Insurance Claim



- ***If there is a change of mailing address, completely fill in the box on Question #8 and post the new address on the back of the form.***
- ***Don't forget to sign the form.***
 - ✓ Keep your signature within the space provided to not conflict with the answers marked on the claim form.
- ***Complete and mail the Continued Claim form on the date shown on the front of the form. Benefits cannot be paid until a properly completed and signed form is submitted.***
 - ✓ **DO NOT** mail the claim form early – the check will not be processed. You will be mailed a duplicate claim form to be completed and mailed again, which will delay your check.
 - ✓ **DO NOT** mail the claim form late – the check will not be processed. Complete and mail the Continued Claim form on the date shown on the front of the form. If you mail the claim form more than 14 days after the last week ending date on the form, we will have to determine if there is a good reason for mailing the claim form late. This is done by a telephone interview and results in benefits being delayed and possibly denied.
- ***Be sure you carefully remove the perforated portion of the form and keep that portion for your records. Fold the form as it was originally folded when you received it and insert it into the provided envelope, making sure the EDD address appears in the envelope window.***
- ***DO NOT send the form to any other address or send via overnight mail as this delays payment.***
- ***DO NOT enclose any other forms or correspondence with the Continued Claim form.***

APPENDIX H.

How to Access Your Check Information by Telephone

Hardcopy begins on next page.

Also available online at:

http://www.edd.ca.gov/pdf_pub_ctr/de2323.pdf

UNEMPLOYMENT INSURANCE



Where is my check: How to access your check information by telephone

Check information instructions:

Toll-free Number: 1-866-333-4606

Recorded information about your most recent Unemployment Insurance (UI) benefit check is available Monday through Saturday from 6 a.m. to midnight, and on Sunday from 6 a.m. to 9 p.m. The best time to call and get through for this purpose is after 5 p.m., Monday through Friday, and on weekends. UI benefit check information is updated daily, and reflects the claim activity which occurred on the previous business day. Make the following selections from the recorded messages.

Language Preference (choice):

Press 1 to hear this recording in English.

→ Next

Press 1 for information about your unemployment insurance check.

→ Next

Enter your Social Security number.

→ Next

Enter your 4-digit Personal Identification Number (PIN). For increased security, the automated telephone system requires a PIN to access confidential information. The first time you call, listen carefully and follow the instructions for establishing your PIN.

→ Next

You will hear the date your check was mailed and the amount of the check. Allow five days for mail delivery.

→ Next (Optional)

To change your PIN, press 4 after you hear your check information.

Reminder: Always keep your Social Security number and PIN private and secure.

Establishing your PIN

- 1 Enter your weekly benefit amount before deductions and the pound sign (#).
Example: for \$230 Enter 230#
- 2 Enter your 5-digit mailing ZIP code.
Example: Enter 95814
- 3 Enter your date of birth (MMDDYY).
Example:
May 9, 1951 Enter 050951
November 16, 1972 Enter 111672
- 4 Enter your telephone number (do not include the area code). If you do not have a telephone number enter the pound sign (#).
Example: 916-123-4567 Enter 1234567
- 5 Enter a new 4-digit PIN.
Choose a number you will remember.

Other services

Internet

- The UI application for benefits is available online. Most customers should be able to use the online version at www.edd.ca.gov
- General Unemployment Insurance information

Telephone

- Claim filing by telephone.
- Recorded general Unemployment Insurance (UI) information.*
- Recorded information about employment and training.*
- Bilingual representatives are available.

*Recorded information about the UI program and employment and training is available 24 hours a day.

APPENDIX I.

Appeal Form

Hardcopy begins on next page.

Also available online at:

http://www.edd.ca.gov/pdf_pub_ctr/de1000m.pdf

EMPLOYMENT DEVELOPMENT DEPARTMENT APPEAL FORM

If you want to appeal a Department determination, please explain why you disagree and return this form to the Department using the office address listed on the enclosed notice. You have 20 days from the date of the notice to file an appeal. The 20-day period may be extended for good cause. Reasons for filing an appeal after 20 days should be explained.

Please note that claimants for Disaster Unemployment Assistance have 60 days to file an appeal. Employers who are appealing the Department's DE 3807 Notice of Determination or Assessment have 30 days to file an appeal.

I disagree with the Department's decision dated _____ because:

(Attach an additional sheet if more space is required)

CLAIMANTS: While your appeal is pending, you must continue to file a continued claim form for the period that you want to claim benefits. If you are found eligible, you can be paid only for periods for which you have filed continued claim forms and have met all other eligibility requirements.

The following information must be provided by the party filing the appeal (Appellant) or an authorized agent of the party filing the appeal. Signature of the appellant or agent is required.

Do you need a translator? Yes No If yes, please give language and dialect: _____

Appellant Telephone No.: (____) _____

Appellant Name: _____ Appellant Fax No.: (____) _____

Appellant Mailing Address: _____
Street No., Apt. No., or P.O. Box City State ZIP Code

Claimant Name: _____ Employer Account Number: _____
 Claimant Social Security Number: _____ - _____ - _____ (For employer appeal only)

Agent Name (If applicable): _____
 Mailing Address: _____
Street No., Apt. No., or P.O. Box City State ZIP Code

Signature
 Appellant or Agent: _____ Date: _____

APPENDIX J.
Appeals Board Fact Sheet

Hardcopy begins on next page.

Also available online at:

http://www.edd.ca.gov/pdf_pub_ctr/de8714f.pdf

APPEALS BOARD

The California Unemployment Insurance Appeals Board hears and decides appeals and petitions in the areas of Unemployment Insurance and Disability Insurance benefits, and employment tax liability. The Board consists of seven members who serve four-year staggered terms of office. Five members are appointed by the Governor, and one each by the Senate Rules Committee and the Speaker of the Assembly.

An independent agency, the Appeals Board is not responsible to the Director of the Employment Development Department (EDD) for its operations and decisions. This impartial status is a distinctive feature of the Unemployment Insurance program in California. Each employee or employer appearing before the Appeals Board has the benefit of an independent judgment.

EDD is required by statute to provide equipment, supplies, and operating services for the Board. Both agencies are subject to the same fiscal controls and audits.

Appeals Procedure

Filing of an appeal or a petition (in tax cases) is informal and no special form is required. If desired, however, prepared forms for filing appeals are available at local EDD offices. Appeals and petitions must be in writing and should contain a statement of grounds or reasons for appeal or petition. They also must contain information identifying the appellant or petitioner and any opposing party.

Administrative Law Judges

The Board's Administrative Law Judges (ALJs) hear and decide appeals and petitions in the areas of Unemployment Insurance (UI) and Disability Insurance (DI) benefits and employment tax cases. They are concerned with questions of eligibility or disqualification for benefits, and liability for employment tax contributions and Personal Income Tax withholding.

ALJs conduct hearings that are designed to provide due process of law to the parties to appeals and petitions. The formal and technical rules of evidence do not apply in the hearings, and the ALJs will assist unrepresented parties in presenting their cases.

Parties appearing at hearings have the right to:

- Advance notice of the hearing and the issues that will be considered.
- Present evidence on their own behalf.
- Subpoena witnesses and documents.
- Rebut unfavorable evidence and to cross examine adverse witnesses.
- A written decision based solely on the record produced at the hearing, which sets forth the findings of fact upon which the decision is based and application of the facts to the legal provisions used to decide the case.

Appeals Board Responsibilities

The Appeals Board reviews decisions rendered by field ALJs assigned to the various Offices of Appeal throughout the state. The Board may affirm, reverse, modify, set aside, or remand a decision. The Board does not conduct hearings, but reviews the record produced at the ALJ hearing. The Board generally will not consider any evidence that could have been produced at the hearing.

Cases pending before the Board are randomly assigned to two member panels for consideration and decision. This is done in conformity with a statutory requirement that tends to equalize the workload of the members and assures that there is never a fixed and continuous composition of members.

A decision of any two members assigned a case is the decision of the Board. However, any case will be considered by the whole Board at the request of any one member. Decisions of the Board acting as a whole are by majority vote.

The Board acting as a whole may designate its decisions as precedent decisions. Precedent decisions constitute the foundation of the various benefit programs that fall within the Board's jurisdiction. All precedent decisions must be published and available to the public. They are binding on the ALJs and EDD. All decisions of the Appeals Board are final except for filing an action in Superior Court.

Educational Programs

The Appeals Board offers educational programs providing speakers and educational materials to labor, management, and other groups interested in appeals procedures, processes, and laws in these specific areas. They also offer special publications on Appeals Board rules, procedures for filing an appeal, résumés of precedent decision, and current articles on Unemployment Insurance and Disability Insurance.

These pamphlets can be obtained from the Field Office Headquarters, 2400 Venture Oaks Way, Suite 200, Sacramento, CA 95833.

The Appeals Board's headquarters is located in Sacramento. Offices of Appeal are located in Fresno, Inglewood, Los Angeles, Oakland, Orange County, Oxnard, Pasadena, Rancho Cucamonga, Sacramento, San Diego, San Francisco, and San Jose.

APPENDIX K.

Sample Letter: Board Appeal

[Your name]
[Your street address]
[Your city, state, zip]

[Date]

CUIAB – Office of Appeals
[Address of CUIAB Office of Appeals]

Re: [CASE NO: _____]

To Whom It May Concern:

I respectfully disagree with the Administrative Law Judge's decision in Case No. _____ . I hereby submit this letter to appeal the decision to the California Unemployment Insurance Appeals Board (CUIAB).

If you have any questions, please feel free to contact me at **[your phone]**.

Thank you for your attention to this matter.

Sincerely,

[Your Signature]

[Your name]
[Your social security #]

APPENDIX L.

Sample Letter: Requesting Record for a Board Appeal

[Your name]
[Your street address]
[Your city, state, zip]

[Date]

California Unemployment Insurance Appeals Board (CUIAB)
P.O. Box 944275
Sacramento, CA 94244-2750

Re: [AB CASE NO: _____]

To Whom It May Concern:

As the claimant in the above-referenced matter, I hereby request copies of the complete record of this case. Please send the transcript, all exhibits and documents, and a tape of the hearing to me at the address indicated below.

As indicated on the attached proof of service, I sent a copy of this letter to the opposing party. If you have any questions, please feel free to contact me at **[your phone]**.

Thank you for your attention to this matter.

Sincerely,

[Your Signature]

[Your name]
[Your social security #]