

# Were You Denied Unemployment Benefits?

## What can I do if I was denied unemployment benefits?

If you think you have the right to receive unemployment benefits, ask for a hearing.

## What is a hearing?

A hearing is like a trial. It is your chance to show the judge why you should receive benefits.

## Is there a deadline to ask for a hearing?

**Yes.** The Department must receive your request for a hearing within **30 days** of the date the denial letter was mailed to you.

## Where will the hearing be?

The hearing will be in a special room at the Department of Labor office. The Department will mail you a *Notice of Hearing* with the time, date and place of the hearing.

## Who will be at the hearing?

The following people can go to the hearing:

- You
- Your employer
- Witnesses (yours or your employers)
- A judge, called an Administrative Law Judge

A tape recorder will record everything that is said during the hearing.

## Can I postpone my hearing?

You can *ask* to postpone (adjourn) your hearing if you need more time to find a lawyer or get evidence. Here's how:

- Call or write to the Department before your hearing, **and**
- Go to your hearing, and ask the judge in person. If you are not able to go, ask someone to take a letter from you explaining why you cannot go to the hearing.

## Will the judge postpone my hearing?

If you did not go to your hearing or were not prepared for your hearing on the hearing date, most judges will say you have "defaulted," and will decide your case without delay.

## Will the judge postpone my hearing if I had an emergency?

If you missed your hearing for a good reason, such as a medical emergency, you can ask for a new hearing date.

## How can I get ready for the hearing?

### 1. Practice what you want to say.

Make a list of the reasons you disagree with the denial. Practice saying them.

Do not take more than 5–10 minutes to explain your reasons. If you get nervous at the hearing, just read from your notes.

### 2. Bring these things with you:

- All documents the Department sent you about your case,
- Any other papers that support your case, plus 2 copies of each one,
- Your list of reasons for disagreeing with the denial,
- Witnesses who support your case, and
- A pen and paper to take notes.

If you cannot get the papers or witnesses you need to prove your case, tell the judge at the hearing. The judge can make orders to bring these papers/witnesses to a hearing.

### 3. Do not lie! The judge can punish you.

## On the day of your hearing...

- Arrive at least 30 minutes early.
- Put your *Notice of Hearing* in the reception basket. They will call you when it's your turn.
- **Wear nice, clean clothes. No hats. No gum.**

## At the hearing...

- The judge or your employer may ask questions. Tell the truth. Speak slowly. Give complete answers.
- Speak only when the judge says it is your turn.
- Do not interrupt anyone.
- If you do not understand, say, "I do not understand the question."
- Be calm and polite to everyone. Stay calm.
- Avoid gestures and facial expressions.

## What if I have more questions?

*[url and tel # of MFY and other NY resources here]*