

Kentucky Education and Labor Cabinet
Office of Unemployment Insurance
500 Mero Street, 4-SC
Frankfort, KY 40601
kcc.ky.gov

ADDRESSLINE1
ADDRESSLINE2
ADDRESSLINE3
ADDRESSLINE4
ADDRESSLINE5 ZIP

Date: MAILDATE
SSN: XXX-XX-KEIN
AD #: KEINEXPANDED

CLAIMANT: GENADDRESS1

APPELLANT: GENADDRESS2

APPELLEE: GENADDRESS3

Appeal Received PLEASE READ CAREFULLY

The Kentucky Office of Unemployment (OUI) Appeals Branch has received an appeal in the case listed above. If the appeal was filed before the filing deadline, all parties to the appeal will receive a **Notice of Administrative Hearing**. The Notice of Administrative Hearing shows the date and time of the appeal hearing. It will be mailed no fewer than ten (10) calendar days before the scheduled hearing date. This document contains important information about the hearing. Please read it carefully.

NOTE TO CLAIMANTS: You should continue to claim benefits while your claim is being appealed. If the appeal is decided in your favor, you can only be paid for weeks that have been properly claimed.

EVIDENCE: Information supplied to our agency by the claimant (at the time of filing) or by the employer (in response to the claim) may be considered as evidence in the hearing. Parties to the appeal may submit additional evidence for consideration. If required for the presentation of their case, any party may request information from our agency's records.

- To submit evidence for consideration, send a copy of the evidence to the OUI Appeals Branch **and** the opposing party prior to the hearing. **Evidence that has not been submitted to the Appeals Branch and the opposing party prior to the hearing date will not be considered.** Reference 787 KAR 1:110, Section 2(4)(f)1 & KAR 1:110, Section 2(4)(f)2.
- To request information from OUI records, submit your request in writing via email, fax, or US mail. **Information that is not requested in writing will not be provided.** Reference 787 KAR 1:110, Section 5(3)(a).

WITNESSES: Parties to the appeal may have witnesses testify on their behalf at the hearing. If you wish to have a witness testify, contact them ahead of time to provide them the date and time of the hearing (see "Notice of Administrative Hearing"). Confirm a telephone number where they can be reached for the hearing. If they refuse, you may request a subpoena from the Appeals Branch to compel them to testify.

¡IMPORTANTE! Este documento(s) contiene información importante sobre sus derechos, obligaciones y/o beneficios de compensación por desempleo. Es muy importante que usted entienda la información contenida en este documento.

INMEDIATAMENTE: Si necesario, por favor de ir a la oficina de Kentucky Career Center, si necesita asistencia para traducir y entender la información contenida en el documento(s) que recibió, puede encontrar su oficina local en: kcc.ky.gov



USERIDNAME
JOB: : TYPE**

Equal Education and Employment Opportunities M/F/D

CONFIRMATION NUMBER:
SEQNO2

KEIN:
KEINEXPANDED

CLAIM ID:
WORKFLOWS
EQNO

DOCCODENO:
691

LIENFEES
OLIENFEES

PROGRAM
CODE:
UI

BYE DATE:
SUBJECTDATE

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SUBPOENA REQUESTS If you wish to subpoena witnesses or documents to support your case, please submit a written, sworn statement to the Appeals Branch as soon as possible. The request must be specific and describe what you expect the subpoenaed witness or documents will prove in connection with your case. Reference 787 KAR 1:110 Section (5)(1).

ADDRESS FOR CORRESPONDENCE: Contact our office to request information, a subpoena, or submit evidence.

Email: Ulappeals@ky.gov

Mailing Address: Appeals Branch, 500 Mero Street, 4-SC, Frankfort, KY 40601

Telephone: (502) 564-2900

Fax: (502) 564-7850

INTERESTED PARTIES:

DETAILREC1
DETAILREC2
DETAILREC3
DETAILREC4
DETAILREC5
DETAILREC6
DETAILREC7
DETAILREC8
DETAILREC9
DETAILREC10
DETAILREC11
DETAILREC12

DETAILREC13
DETAILREC14
DETAILREC15
DETAILREC16
DETAILREC17
DETAILREC18
DETAILREC19
DETAILREC20

FREQUENTLY ASKED QUESTIONS

Who may file an appeal?

The claimant or employer affected by a determination may file an appeal with the Appeals Branch.

What sorts of decisions may be appealed?

The claimant or employer affected by a determination may file an appeal with the Appeals Branch.

How will I know the date, time, and location of the hearing?

The Notice of Administrative Hearing indicates the date and time of the hearing, and whether the hearing is in-person or via telephone. If the hearing is by telephone, the notice provides specific instructions on how to call in to participate in the hearing.

Should I call in early?

What if I get disconnected from the hearing call? Call into the hearing on time. Do not call in early. Calling in early may disconnect you from the call before the hearing begins. If you are disconnected from the call, dial back into the conference immediately. If you are more than ten (10) minutes late, the hearing may be dismissed.

What happens if I cannot attend the hearing as scheduled?

Any party to the appeal may request a continuance of the hearing for compelling reasons (e.g., an unavoidable scheduling conflict). Continuances should be requested by contacting the appeals branch well in advance of the scheduled hearing. Not all requests for continuance are granted.

What happens if one of the parties does not attend the hearing?

If the appealing party does not appear at the hearing, the appeal is dismissed, and the original determination upheld. If the non-appealing party does not appear at the hearing, a hearing is held without them, and a decision is issued on the testimony and evidence presented by the appealing party. Any party that does not appear on time will be granted a ten (10) minute grace period, after which the referee may decide to dismiss the appeal or proceed without the appellee.

How can I prove my case?

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Present the best possible evidence, including testimony from any witnesses who observed the incident, individuals with firsthand knowledge, and documents concerning the incident. Remember, firsthand knowledge is direct knowledge and considered stronger evidence than hearsay or "secondhand" evidence. If the claimant was discharged, the burden of proof is on the employer to show that the discharge was due to misconduct. If the claimant quit voluntarily, the claimant bears the burden of proving that the separation was for good cause related to the employment.

What if the claimant has returned to work?

The hearing determines the claimant's entitlement to benefits (and the employer's chargeability) only during the time when the claimant was unemployed and requested weekly benefits. A claimant who returns to work may still be entitled to benefits for the period in which they were unemployed. The hearing should be conducted as scheduled. If the claimant is not employed full-time, he or she may be eligible for partial benefits.

Should a claimant continue to claim benefits while the appeal is pending?

Yes, if they are unemployed and available for work. If a decision is made in their favor, they can receive benefits only for those weeks properly claimed.

Can an appeal be withdrawn?

Yes, the appellant (the party that filed the appeal) may withdraw their appeal at any time before the referee issues a decision. When an appeal is withdrawn, the determination becomes final and there is no right to further appeal. Withdrawal letters can be faxed to 502-564-7850 or emailed to Ulappeals@ky.gov. Should an appeal be withdrawn if a claimant has returned to work? No. The claimant may still be entitled to benefits during the time they were unemployed.

Do I need a lawyer?

Legal representation is allowed but is not required. If you choose to have a lawyer, ask them to file an Entry of Appearance with the Appeals Branch as soon as possible.

How are hearings conducted?

Hearings are informal and are held either in-person or by telephone. The referee explains the hearing procedures at the start of the hearing, separates witnesses, swears in participants, and conducts the proceedings. All parties are allowed an opportunity to testify, present evidence, ask questions of all witnesses, and offer a closing statement.

Are the rules of the hearing the same as a court?

No. The rules of evidence and procedure are relaxed in an appeal hearing. Appeal hearings are administered by Appeals Branch referees rather than representatives of the Judicial Branch. The law allows referees to question the parties and any witnesses and to review evidence submitted by the parties. Hearsay testimony (repetition of statements made by persons who were not present at the alleged event) may be permitted, but first hand testimony is considered better evidence. The referee has the authority to determine the weight of all testimony and evidence presented in a hearing.

What if I have difficulty speaking and understanding English or have a speech/hearing impairment?

Contact the Appeals Branch immediately if you need an interpreter or other accommodation.

How should I prepare for the hearing?

Start gathering any evidence related to the hearing issue. If you wish to have witnesses testify at the hearing on your behalf, notify them of the time and date of the hearing as soon as possible. If a witness refuses to appear, you may request a subpoena from the Appeals Branch to compel them to appear. If you plan to hire a lawyer or other representative, do so as soon as possible.

Who is responsible for gathering and presenting evidence?

You or your legal representative are responsible for gathering and presenting evidence. The hearing officer does not request witnesses for you. The hearing officer only acts based on evidence and testimony presented in the hearing. If there is evidence or documents to which you do not have access, you may submit a request to the

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referee to issue a subpoena to obtain records. If you have evidence that you want considered, you must provide it to the Appeals Branch and the opposing party prior to the hearing date.

How will I know what to tell the hearing officer?

The hearing officer will ask questions to obtain the information they need to make a decision. Listen carefully to the questions. Answer them as directly, plainly, and accurately as you can.

What if I forget to bring evidence to the hearing or need to gather more evidence?

The referee will only consider evidence or testimony presented at the hearing. **If you forget evidence, or fail to submit it prior to the hearing, it will not be considered.** No additional evidence is considered after the hearing has concluded.

May I send information to the hearing officer prior to the hearing?

Yes. If you want evidence or documents considered at your hearing, send them to the Appeals Branch and the opposing party prior to the hearing date. If you do not provide the evidence or documents in advance, they will not be admitted as evidence during the hearing.

What if I need to subpoena a witness or documents?

Subpoenas are only needed if an individual or group refuses to testify or produce relevant documents. Submit any subpoena requests as soon as possible. The referee will review your request, determine if the subpoena is necessary and, if your request is granted, will arrange for it to be served. The agency will not postpone your hearing due to late subpoena requests.

May I speak with the referee before or after the hearing?

No. The referee may have no contact with either party outside of the hearing.

What record is made of the hearing?

All hearings are recorded. The Appeals Branch recording is the official record of the proceeding. During the hearing, please speak clearly and do not interrupt others.

What happens if I disagree with the referee's decision?

If you disagree with the referee's decision, you may appeal to the Kentucky Unemployment Insurance Commission. Appeal instructions will be included at the end of the decision. Please note the appeal period on the decision. All further appeals must be timely filed. Any evidence not considered at the hearing may not be considered in further appeals.

If I appeal to the Commission, will I have another hearing?

No. The Commission will review the evidence that was presented at the initial hearing and determine if the correct decision was reached. No new evidence is considered. Therefore, it is important that you present all relevant evidence at your Administrative Hearing.

What if I move?

Contact the Appeals Branch immediately and share your new contact information.

Where can I find more information on appeal hearings?

Visit <https://kcc.ky.gov/career/If-you-are-Unemployed/Pages/Benefits-Appeals.aspx> or call the Appeals Branch at 502-564-2900.