

Understanding the Unemployment Hearing Process

When a former employee files for unemployment benefits and your organization contests the claim, a hearing may be scheduled. These hearings are your opportunity to present evidence and testimony on why the claimant may not be eligible. Whether the issue is voluntary resignation, misconduct, or another dispute, being prepared is key to a fair and accurate outcome.

Common Reason for Employer Appeals: You or the former employee may decide to appeal an unemployment claim if the employee was terminated, the employee voluntarily quit without good cause, the employee was on a leave of absence, the employee was suspended, the employee was not available for work or the employee refused suitable work.

Preparation Checklist for Employers:

Gather documentation: That should include employee handbook (especially policies on attendance, conduct, etc), handbook acknowledgement, disciplinary records or written warnings, emails, or communications relevant to the separation, resignation letters or termination notices.

Designate a Knowledgeable Witness: Choose someone with firsthand knowledge of the case, such as a supervisor or HR manager, the witness should be able to explain the reason for the separation clearly and factually.

Submit Evidence in Advance: Most states allow or require pre-hearing submission of documents. Confirm deadlines and procedures through your state's unemployment agency.

What Happens During the Hearing:

The hearings are conducted by phone, video, or in person. An Administrative Law Judge (ALJ) will guide the hearing, both parties can present evidence and may question each other, the ALJ may ask clarifying questions. A written decision will be mailed after the hearing usually within 7-14 days.

Best Practices at the Hearing:

Be on time and prepared, be professional and respectful; treat it like a court proceeding. Stick to factual, objective testimony. Avoid assumptions or emotional statements and be ready to explain how the employee violated policy or resigned voluntarily.

Common Mistakes to Avoid:

Failing to appear or sending an unprepared representative, missing submission deadlines for evidence, bringing someone with no direct knowledge of the case, lacking documentation to support your claims.

Unemployment hearings are not just formalities. With good preparation and clear documentation, you can ensure your side of the story is heard fairly. Did you know that Savio provides support for employers involved in unemployment hearings? Whether you are appealing a denial or defending a claim, we are here to guide you through the process.

June 5th — World Environment Day

June 15th – Father's Day

June 19th – Juneteenth

June 27th - PTSD Awareness Day

If you have any questions or concerns regarding this article or any other HR issue, please feel free to give us a call or send us an email.

We are here to help.

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