

UNEMPLOYMENT INSURANCE

APPEALS HANDBOOK

DOL.GEORGIA.GOV



Continue Claiming Your Weekly Benefits

If you have filed a claim for unemployment insurance, continue to claim benefits each week while your appeal is pending. If you stop claiming benefits while your appeal is pending, you cannot receive payment for those weeks, should you win your appeal. If you do not understand your reporting requirements, contact your Georgia Department of Labor (GDOL) career center.

Accommodations for Disabilities and Language Translation

If you are hearing or voice impaired or have limited English proficiency, the GDOL will provide an interpreter upon request. See **Accommodations for Disabilities and Language Translation** in the **Appeals Tribunal** section for more information.

Contacting the GDOL Regarding Your Appeal

Direct communication concerning your Claims Examiner's Determination or appeal hearing to the Appeals Tribunal at:

GEORGIA DEPARTMENT OF LABOR
UI Appeals Tribunal
148 Andrew Young International Blvd. NE
Suite 525
Atlanta, GA 30303-1734
E-MAIL: appeals@gdol.ga.gov
FAX: 404.232.3901 or 404.232.3902
PHONE: 404-232-3900

Direct communication concerning your appeal of the Administrative Hearing Officer's decision to the Board of Review at:

GEORGIA DEPARTMENT OF LABOR
Board of Review
148 Andrew Young International Blvd. NE
Suite 510
Atlanta, GA 30303-1734
E-MAIL: boardofreview@gdol.ga.gov
FAX: 404.232.3339
PHONE: 404.232.3325

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THE APPEALS PROCESS



THE APPEALS PROCESS

Claimants and employers have the right to appeal any **determination or decision with appeal rights** that affects the receipt of unemployment insurance benefits.

LEVELS OF APPEAL

There are two levels of appeal within the Georgia Department of Labor:

- **Appeals Tribunal:** The first level of appeal is the Appeals Tribunal. When appealing a Benefit Determination (monetary) or a Claims Examiner's Determination (non-monetary) you will submit your appeal to the Appeals Tribunal. If a hearing is warranted, an Administrative Hearing Officer will conduct a hearing and issue a written decision.
- **Board of Review:** The second level of appeal is the Board of Review. The Board of Review is a three-member panel appointed by the governor to review hearings conducted by the Appeals Tribunal and issue written decisions. The Board does not conduct hearings, take testimony, or consider any new evidence not presented at the hearing with the Administrative Hearing Officer.

If you wish to appeal a decision made by the Appeals Tribunal Administrative Hearing Officer, you must submit your appeal to the Board of Review within 15 calendar days of the release date on the decision. **You must receive the decision from the Administrative Hearing Officer before you can appeal to the Board of Review.**

THE APPEALS PROCESS

SUBMITTING YOUR APPEAL

Appeals must:

- be submitted in writing online, by email, fax, or hand delivery;
- be filed within 15 days of the release date on the determination or decision letter;
- identify the exact determination or decision you are appealing;
- include the name of the claimant, the social security number on the determination or decision being appealed, your address, the best phone number to reach you, and the release date on the determination or decision letter;
- include the docket number, if you are appealing an Administrative Hearing Officer's decision; **and**
- explain in detail why you are appealing.

Appeals not filed in accordance with these requirements will be delayed, and your appeal request may be denied.

You may use the computers and fax machines in the career center Computer Resource Centers, if needed.

NOTE: If your appeal is sent to the career center or delivered in person at the career center, processing will be delayed until it is forwarded to the Appeals Tribunal or Board of Review.

File Online

| Claimants | Employers |
|---|---|
| <ol style="list-style-type: none">1. Go to the GDOL website at dol.georgia.gov.2. Select Online Services.3. Select the File an Appeal link under Individuals... Unemployment Insurance (UI) Benefits. | <ol style="list-style-type: none">1. Log into the Employer Portal on the GDOL website at dol.georgia.gov.2. Select the File UI Appeal link under Common Links on the Employer Dashboard. <p>NOTE: If you are not registered for the Employer Portal, download the <i>Administrator Guide</i> on the landing page, select the Establish Administrator Access link, and follow the instructions in the guide.</p> |

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File By Email, Fax, or Hand Delivery

Download the *Appeal Request Form (DOL-423)* from the GDOL website at **dol.georgia.gov** under **Forms and Publications**. Submit the completed and signed form as directed below.

| If appealing a(n)... | Submit your appeal to... |
|---|--|
| Claims Examiner's Determination | Georgia Department of Labor UI Appeals Tribunal 148 Andrew Young International Blvd. NE Suite 525 Atlanta, GA 30303-1734 Email: appeals@gdol.ga.gov Fax: 404.232.3901 or 404.232.3902 |
| Administrative Hearing Officer's Decision | Georgia Department of Labor Board of Review 148 Andrew Young International Blvd. NE Suite 510 Atlanta, GA 30303-1734 Email: boardofreview@gdol.ga.gov Fax: 404.232.3339 |

TIMELY APPEALS

Appeals must be filed within 15 days of the release date on the determination or decision letter to be considered timely. If the 15th day falls on a Saturday, Sunday, or state holiday, the next work day is the last day to file a timely appeal.

The following dates are used to determine if the appeal is timely:

- The date and timestamp on the online application or the e-mail message received by the GDOL
- The date and timestamp on the fax received by a GDOL office
- The date of the U.S. Postal Service cancellation stamp (a postage meter imprint cannot be used)
- The date the appeal is hand-delivered to the GDOL office

If it appears that the appeal is not filed within the 15-day limit, your appeal could be dismissed as untimely without a hearing.

THE APPEALS PROCESS

WITHDRAWING YOUR APPEAL

Appeals can only be withdrawn by the appealing party. If you are the person who appealed, you may request, in writing, to withdraw your appeal. Email, fax, or hand deliver your request to the Appeals Tribunal or Board of Review. Explain why you are withdrawing your appeal and include the docket number and/or the last four digits of the social security number appearing on the determination or decision letter on all correspondence.

CLAIMANT LIABILITY: POTENTIAL OVERPAYMENT

If any determination or decision allowing benefits is reversed, the claimant will be required to repay the benefits received during the period of disqualification as specified in the decision by the Administrative Hearing Officer, Board of Review, or the courts.

EMPLOYER LIABILITY: POTENTIAL TAX CHARGES

The most recent employer's unemployment insurance tax account will be charged for any benefits paid to the claimant based on the separation decision. **If the original determination allowing benefits is reversed in the appeals process, the employer must have furnished timely written separation information to the GDOL to receive credit on the employer's tax account.** This applies also to employers who qualify for, and have elected, the reimbursable tax method.

APPEALS TRIBUNAL

SCHEDULING YOUR HEARING

After submitting your appeal request, the Appeals Tribunal will determine if a hearing should be scheduled. If a hearing is warranted, the Appeals Tribunal will schedule a hearing on a first come, first served basis. You will receive a Notice of Hearing in the mail with your scheduled hearing date and time.

Telephone Hearings

Appeal hearings are scheduled and routinely conducted by telephone conference.

In-Person Hearings

The Appeals Tribunal may conduct an in-person hearing upon request from a party, or on its own motion, in accordance with the *Rules of the Georgia Department of Labor*, Chapter 300-2-5-.02 (2) (a). Requests for in-person hearings may be granted as an accommodation for people with physical impairments or other pertinent factors that would make a telephone hearing impractical as determined by the Chief Administrative Hearing Officer.

Requests for in-person hearings must be submitted to the Appeals Tribunal in writing by email, fax, or hand delivery as soon as such a need is known. Send your request to:

Georgia Department of Labor
UI Appeals Tribunal
148 Andrew Young International Blvd. NE
Suite 525
Atlanta, GA 30303-1734
FAX: 404.232.3901 or 404.232.3902
TEL: 404.232.3900
E-MAIL: appeals@gdol.ga.gov

Accommodations for Disabilities and Language Translation

If you or your witness are hearing or voice impaired or have limited English proficiency, the GDOL will provide an interpreter upon request at no cost to you. Notify the GDOL of your need for disability accommodations or an interpreter in writing when you file your appeal. If a need for disability accommodations or language translation arises after submitting your

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appeal request, inform the Appeals Tribunal at least 48 hours (two business days) before your scheduled hearing date.

Individuals with hearing or voice impairment may contact the Georgia Relay Center at 1.800.255.0056 to access GDOL services. Should you require assistance with documents that you have received, you may take them to your local career center for translation. These services are provided at no cost to you.

NOTICE OF APPEAL FILING

The Appeals Tribunal will mail a Notice of Appeal Filing and Hearing Notice to all parties. Contact the Appeals Tribunal if you do not receive your Notice of Appeal Filing and/or Hearing Notice within two weeks of filing your appeal.

Notice of Appeal Filing

A copy of relevant documents from the claims file will be mailed to you with the Notice of Appeal Filing. Be sure to carefully read and review all information and documents included with the Notice of Appeal Filing because this information pertains to your hearing, and some or all of the documents may be admitted into evidence at the hearing.

Hearing Notice

The Hearing Notice will tell you:

- if the hearing is by telephone or in-person;
- the date and time (in Eastern time) of the hearing (and place for an in-person hearing);
- the issue (s) which will be discussed at the hearing; and
- instructions for participating in the hearing.

When reviewing the Hearing Notice:

- read the notice thoroughly.
- follow the instructions in the Hearing Notice carefully.
- make sure all issues you want covered in the hearing are listed.
- note if the hearing is by telephone or in person.

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- note the time of the hearing. The time shown on the Hearing Notice is Eastern time. If you live in a different time zone, be aware of the time difference.

Call the Appeals Tribunal if:

- your telephone number or address is incorrect or is not shown.
- the notice does not list the issues you expect to be covered.

The Administrative Hearing Officer can only discuss the case with you during the hearing.

POSTPONING A HEARING

The *Rules of the Georgia Department of Labor* allow only the Chief Administrative Hearing Officer, or a designee, to postpone a hearing for providential or other good cause. Good cause is defined as circumstances beyond the control of the parties. Situations may include, among other factors, a disabling personal illness, a death in the immediate family, jury duty, or military obligation. The *Rules of the Georgia Department of Labor* provide that, in the absence of very unusual circumstances, a business engagement does not constitute good cause to postpone an appeal.

The request must be made in writing at the earliest practical time via e-mail or fax, giving detailed reasons for the request. Email requests to postpone a hearing to appeals@gdol.ga.gov or fax them to 404.232.3901 or 404.232.3902. Include any documentation to support the reason for postponement, such as medical excuses, appointments for job interviews, jury duty, etc.

A request for postponement will only be granted upon showing providential or other good cause will prevent the attendance of a party or essential witness. **You will ONLY be notified if your postponement has been granted. You will not be notified if your request is denied. If you are not notified that your request is granted, then you must plan to participate in the hearing as scheduled.**

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IF YOU MISS YOUR HEARING

If you are the person who appealed and you do not participate in the hearing, the Administrative Hearing Officer may dismiss the appeal and uphold the appealed decision.

If you are not the person who appealed and you choose not to attend, the hearing may proceed without you.

If you fail to appear for your hearing, you may request to reopen the appeal within 15 days after the Administrative Hearing Officer's decision is issued. **You must wait until you receive the decision before reopening the appeal.** (See “**Show Cause**” Appeals under **AFTER THE HEARING** for additional information.)

PREPARING FOR THE HEARING

Legal Representation

An individual claiming benefits may be represented by an attorney or other duly authorized agent, at your own expense. If your representative is not an attorney, you must provide the name, telephone number and address of your representative in writing to the Appeals Tribunal prior to the hearing. If your representative is an attorney, your attorney must file an *Entry of Appearance* with the Appeals Tribunal prior to the hearing. If the Appeals Tribunal is notified BEFORE the Hearing Notice is mailed, notice may be sent to your representative. **However, it is your responsibility to be sure your representative knows the date and time of the hearing and has received all documentation for the hearing.**

Attorney Fees

The fee charged by the attorney or agent is regulated in the Official Code of Georgia Annotated (O.C.G.A.) 34-8-251 and Section 300-2-5-.04 (1) of the *Rules of the Georgia Department of Labor*. No representative shall either charge or receive a fee for more than the amount approved by the Board of Review. The fee amount may not exceed \$300.00.

The counsel or representative for the claimant must submit a written application to the Board of Review for fee approval before charging or receiving any payment for services. Upon receipt of the application, the

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Board of Review will release a written order of the amount approved to both the counsel and client.

The fee for a claimant's counsel will be set and approved by the Board of Review; however, the fee must be paid by the claimant. A party who is unable to afford legal assistance may request representation from one of the free legal advisory services in the community.

Researching the Law

The Administrative Hearing Officer is knowledgeable of unemployment insurance law and will summarize the legal issues and procedure at the hearing. If you wish to familiarize yourself with the law before the hearing, you can review the *Georgia Employment Security Law (O.C.G.A. 34-8)* and the regulations governing the unemployment insurance program on the GDOL's website dol.georgia.gov.

The exact provisions of law that govern your case will be shown on the Hearing Notice.

Gathering Evidence

It is your responsibility to prepare all evidence that supports your position. You should begin gathering documents, including documents previously submitted to the GDOL, or other evidence necessary to present your case as soon as you know that an appeal has been filed. A copy of relevant documents from the claim file will be mailed to you with the Notice of Appeal Filing. However, do not assume all documents included with the Notice of Appeal Filing packet will be considered during the appeal hearing. The Administrative Hearing Officer will determine which documents will be admitted into evidence.

If you think something is missing from the Notice of Appeal Filing packet, it is your responsibility to provide copies of the missing documents to the Appeal Tribunal and the other interested parties listed on your Hearing Notice.

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Prior to the hearing, it is your responsibility to:

- send copies of all evidence you intend to rely on in your hearing **to the Appeals Tribunal**, including all documents and video/audio recordings.
- send copies of all evidence you intend to rely on in your hearing **to the other party**, including all documents and video/audio recordings.

Failure to send documents or other evidence to ensure receipt in time for the hearing could result in delay, rescheduling of the hearing, or the information not being considered at the hearing.

If the documents or other evidence is in the possession of a party who will not voluntarily provide it, you may request that the Appeals Tribunal issue a subpoena to you. It is your responsibility to ensure the subpoena is properly served. (See **Requesting a Subpoena**.)

If you receive documents from the other party, read them prior to the hearing so you are prepared to answer any questions from the Administrative Hearing Officer or the other party regarding this evidence.

Written Evidence

Some examples of written material that may be introduced into evidence include:

- Time cards and payroll records
- Warning notices
- Company rules
- Medical reports
- Telephone records and text messages

Audio/Video Recorded Evidence

Either party may introduce video or audio recordings into evidence. You must be prepared to identify and authenticate the recording. The Administrative Hearing Officer will determine if the recording will be admitted into evidence.

Witnesses

You have the right to present testimony of witnesses. Witnesses should have firsthand, direct knowledge of facts and be present at the hearing.

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However, the Administrative Hearing Officer will determine if the witness will be allowed to testify.

The witness must state the facts verbally. The Administrative Hearing Officer will ask the witness a few questions, and then turn them over to you to ask additional questions. The other party will also be able to ask questions of each witness.

It is your responsibility to notify your witnesses of the hearing and to provide their telephone numbers to the Appeals Tribunal. Make sure they are available and ready at the time of the hearing. The Administrative Hearing Officer will call them when ready to hear their testimony.

If your witness is necessary to your case, but the witness will not agree to testify, the Appeals Tribunal can issue a subpoena to compel the witness to testify. It is your responsibility to ensure the subpoena is properly served on the witness. (See **Requesting a Subpoena.**)

Requesting a Subpoena

You may request that the Appeals Tribunal issue a subpoena for witnesses, documents, or other evidence in the possession of another party, when that party will not voluntarily provide it. **It is your responsibility to deliver (serve) any subpoena to the witness no later than 72 hours (three business days) before the scheduled hearing date. Therefore, you should request the subpoena from the Appeals Tribunal as soon as possible.**

The request for the subpoena must be in writing and contain the following information:

1. Docket number of the appeal and the last four digits of the social security number of the claimant
2. Full name, address, and telephone number of the witness for whom the subpoena is to be issued
3. Time of the hearing (and place for an in-person hearing)
4. A detailed description of any documents or other evidence to be produced by the witness

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If You are Served a Subpoena

If you have been served with a subpoena to present documents or other evidence, **the documents or other evidence must be simultaneously mailed, delivered, or faxed to the party who requested the evidence AND the Appeals Tribunal.** Include the docket number of the case on each page of the documents and on the outside of recordings or other evidence.

Evidence must be received by the Appeals Tribunal no later than 24 hours (one business day) before the hearing.

Address and Telephone Number Changes

Failure to advise the Appeals Tribunal of an address or telephone number change will not be good cause to have the hearing rescheduled. The GDOL has online access to make changes to a participant's address or telephone number. The Internet address is <http://ga.c2tinc.com/register>. To access this online registration, you must have received a Hearing Notice from the UI Appeals Tribunal, listing a docket number, date, and time of a scheduled hearing. You may call, email, or fax changes to a participant's address or telephone number to the Appeals Tribunal. **(See Contacting the GDOL Regarding Your Appeal.)**

If your address, email address, or telephone number changes after an appeal is filed, you must update your contact information on the GDOL website and notify the Appeals Tribunal. **Updating your contact information online does NOT change your information on appeal records. You must notify the Appeals Tribunal directly to change your address, email address, or telephone number on your appeal records.**

All changes to your address, email address, or telephone number must be received by the Appeals Tribunal before the hearing so the Administrative Hearing Officer can reach you.

THE HEARING

Appeal hearings are scheduled and routinely conducted by telephone conference. Administrative Hearing Officers are stationed at different

telephone locations when conducting hearings. Your telephone Caller ID block must be off to accept any number being used by an Administrative Hearing Officer to call you. Failure to comply with this request could result in your missing the hearing.

You must be at the telephone number you provided at the scheduled hearing time. Have witnesses with relevant knowledge of the separation available at the time of the hearing.

For in-person hearings, be sure you know when and where your hearing is to be held.

The Administrative Hearing Officer's Role

The Administrative Hearing Officer conducting the appeal hearing has the duty to:

- provide a fair and courteous hearing to all parties.
- explain hearing procedures and safeguard the rights of all parties.
- control the hearing to prevent intimidation or discourtesy.
- assist parties when necessary and appropriate in presenting their case.
- not allow interference from any party during the hearing.
- not discuss any case with any involved parties before or after the hearing.

When conducting the hearing, the Administrative Hearing Officer will:

- explain the issues to be discussed, the purpose of the hearing and the procedures.
- place all parties and witnesses under oath.
- explain the manner in which persons will testify and give rebuttal.
- assist parties when necessary and appropriate in asking questions of other parties and witnesses.
- determine, on personal motion or at the request of a party, if testimony and documents being offered should be accepted and considered.
- question parties and witnesses to obtain necessary facts.
- take official notice of well-established matters of common knowledge and public record.
- allow you to make a closing statement to explain your position.

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Each party has the right to:

- testify personally.
- present documents or other evidence gathered and submitted.
- have material witnesses present and ready to testify.
- question opposing parties and witnesses.
- explain or rebut evidence.
- examine documents or other evidence submitted into the hearing record from the claimant's benefit file.
- examine all documents and other evidence introduced at the hearing.
- make a statement at the end of the hearing.

Your Role

- **Be Prompt.** Make sure you and your witnesses are available at the scheduled hearing time. For in-person hearings, make sure you know where the hearing will be held and arrive at least 20 minutes early. The Administrative Hearing Officer will wait 10 minutes for the parties to appear. After 10 minutes, the hearing will begin if the appealing party is available. If the appealing party is not available, the case will be dismissed.
- **Conduct yourself properly.**
 - Stay calm.
 - Listen carefully.
 - Do not interrupt the testimony being given by the opposing party.
 - Make notes of questions you want to ask when given a chance to ask questions, rebut anything said, or respond to questions asked of you.
- **Be prepared.**
 - Make written notes during the testimony to help you remember any questions you would like to ask when you are allowed to cross-examine a witness.
 - Have your evidence organized and ready to present.
 - Have a calendar available for reference during the hearing.
 - Know the beginning and ending dates of employment with the employer.

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- **If you are disconnected during a telephone hearing, hang up.** You will not be able to contact the Administrative Hearing Officer directly. The Administrative Hearing Officer will attempt to call you again to resume the hearing.

Representation

An attorney or any other person of your choice may represent you, at your own expense. See **Legal Representation** under **Preparing for the Hearing**.

Testimony

Each person who gives testimony will be under oath. The Administrative Hearing Officer will make a decision based on the sworn testimony given by the parties, witnesses who participate in the hearing, and documents entered into the record of the hearing.

You may want to make notes during the hearing to help you remember important facts. Speak slowly and clearly. The hearing will be recorded. (See **Recordings for the Hearing**.)

Entering Evidence

Be prepared to present evidence under oath on all issues listed on the Notice of Hearing. It is important that you present all evidence during the hearing, including but not limited to documents, videos, audio recordings, photographs, etc. that are relevant to your case. Additional evidence cannot be accepted after the hearing and will not be considered on additional appeals. The Board of Review will review the records of the Appeal Tribunal hearing to ensure due process of law and the appropriate decisions reached. They will not accept evidence not presented at the hearing.

The day of the hearing:

- Have all documents or other evidence with you and ready for reference during the hearing.
- Let the Administrative Hearing Officer know that you have documents or other evidence that you would like to have introduced into evidence.

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To submit a document at a hearing, it must be identified by you or someone who is otherwise personally familiar with the document. This is called authentication. You must also ask the Administrative Hearing Officer to admit the document into evidence.

Recordings may be used and admitted into evidence at the hearing. The video or audio recording must be identified/authenticated (just like other documents). To authenticate a recording, you must:

- provide a witness who was present at the events recorded and who can testify that the recording accurately and fairly depicts the event, or
- provide a witness who can testify that the recording reliably shows the fact or facts to be proven and that the recording itself indicates the time and date when the recording was made.
- ask the Administrative Hearing Officer to admit the recording into evidence.

Recording the Hearing

The Administrative Hearing Officer will record the entire hearing. The recording is to be used if an appeal is filed to the Board of Review, or for other internal purposes. Generally, the recording can be used only for unemployment compensation purposes pursuant to O.C.G.A. 34-8-122.

Continuances

While conducting the hearing, the Administrative Hearing Officer may find reasons to continue the case to another date. If time permits, the parties will be notified in writing of the date and time of the continued hearing.

THE APPEALS TRIBUNAL

IMPORTANT REMINDERS FOR YOUR HEARING

- **Carefully read and review this booklet and all other correspondence** you receive from the GDOL, the Appeals Tribunal, and the other party.
- **Be aware of deadlines for filing requests and documents or other evidence to be used at your hearing.** Do not delay in preparing for your hearing. If you have documents or other evidence you want to use at the hearing, send them to the Appeals Tribunal and the other party right away.
- **Prepare and evaluate your side of the story.** Are there documents you want to use at the hearing? Do you have witnesses you want to testify?
- **Stay calm and listen carefully.** Take notes of statements made which you want to ask questions about or respond to when you testify.
- **Ask witnesses questions to bring out all of the details** you think are important.
- **Enter exhibits.** Documents you wish to have considered must be identified at the hearing so the Administrative Hearing Officer may enter them into the record of the hearing.
- **If you bring witnesses, bring people with firsthand knowledge of what you want them to testify about.**
- **When making your final statement at the end of the hearing, think about the evidence and testimony presented.** Tell the Administrative Hearing Officer why the ruling should be in your favor. Be brief and to the point.

AFTER THE HEARING

The Decision

The Administrative Hearing Officer will release a decision that will be mailed to all interested parties as soon as possible after the hearing.

The written decision will:

- include findings of fact, conclusions of law, and the decision itself.
- show whether the Administrative Hearing Officer affirmed, reversed, or modified the original determination of the Claims Examiner or the prior Hearing Officer's decision.

If you disagree with the Administrative Hearing Officer's decision, you have the right to appeal the decision to the Board of Review within 15 days of the release date on the decision.

“Show Cause” Appeals

If you were unable to attend or participate in the hearing from beginning to end due to circumstances beyond your control, and you disagree with the Administrative Hearing Officer's decision, you may file a "show cause" appeal with the Appeals Tribunal to reopen your appeal. A “show cause” appeal must be filed in writing within 15 days of the release date on the decision. Requests to reopen should fully state:

- the grounds for the request, and
- the reasons for not attending the original hearing.

A “show cause” hearing will be scheduled to determine if good cause has been shown to reopen the appeal. You must show the Administrative Hearing Officer that you had circumstances beyond your control which caused you to miss your first hearing.

The Rules provide that, in the absence of very unusual circumstances, a business engagement will not constitute good cause to reopen an appeal.



BOARD OF REVIEW

BOARD OF REVIEW

If you wish to appeal the decision of the Administrative Hearing Officer, you must file an appeal to the Board of Review within 15 calendar days of the release date on the decision letter. The appeal must be in writing and should be sent directly to the Board of Review following the instructions under **SUBMITTING YOUR APPEAL** in the **APPEALS PROCESS** section. The Board of Review will mail a notice acknowledging receipt of your appeal and advising you of the timeframe allowed for written argument.

The Board of Review listens to the recorded testimony and reviews the evidence from the Appeals Tribunal hearing. The Board of Review does not accept new or additional evidence that was not presented during the Appeals Tribunal hearing.

WRITTEN ARGUMENTS

You may submit a written argument stating your position for consideration by the Board of Review in making its decision. New evidence cannot be introduced at this time. **Your argument should be based only on testimony and evidence presented at the first-level appeal hearing with the Administrative Hearing Officer.**

ORAL ARGUMENT

“Oral argument” means appearing in person before the Board of Review in Atlanta to present statements and arguments to support your position in the appeal. Oral argument must be based only on testimony and evidence presented at the first-level appeal hearing with the Administrative Hearing Officer.

The Board does not routinely hear oral arguments. Requests to present oral argument may be granted at the Board’s discretion.

BOARD OF REVIEW

To request oral argument, you must:

- submit a written request to present oral argument to the Board of Review no later than 10 calendar days from the date on the acknowledgment letter from the Board of Review, and
- receive written approval from the Board of Review.

If the Board of Review agrees to hear oral argument, it will notify both parties of the time and place to appear.

BOARD DECISIONS

The Board's decision will affirm, modify, or reverse the Administrative Hearing Officer's decision based on the evidence previously submitted to the Administrative Hearing Officer. The Board may also remand your case if appropriate. **The Board's decision will be mailed to all interested parties.**

If the Board's decision is not in your favor, you may file a written request for reconsideration within 15 calendar days of the release date on the Board's decision letter.

Any decision of the Board of Review, in the absence of a reconsideration, shall become final 15 days from the release date on the decision letter.

ADDRESS AND TELEPHONE NUMBER CHANGES

If your address, email address, or telephone number changes after an appeal is filed, you must update your contact information on the GDOL website and notify the Board of Review. **Updating your contact information online does NOT change your information on appeal records. You must notify the Board of Review directly to change your address, email address, or telephone number on your appeal records.**

All changes to your address, email address, or telephone number must be received by the Board of Review before the decision is mailed.



SUPERIOR COURT

SUPERIOR COURT

If you disagree with the decision of the Board of Review, you may request judicial review by filing a petition in the Superior Court in the county in which the work was performed within 30 days from the release date on the Board of Review decision letter. If you last worked in another state, the petition must be filed in Fulton County, Georgia.

Employees of the GDOL cannot furnish guidance or otherwise assist you in this process. If you do not know the proper procedures to follow, you can contact the Superior Court clerk or seek legal advice.

FREQUENTLY ASKED QUESTIONS

FREQUENTLY ASKED QUESTIONS

Should I wait to file an appeal until I can gather my evidence?

No. You should file an appeal before the appeal expiration date listed on the determination or decision you are appealing. You should file the appeal, and then make every attempt to obtain the needed evidence before the hearing date.

What if I can't afford an attorney or other legal representation?

If you cannot afford legal representation for the Appeals Tribunal hearing, the Administrative Hearing Officer is charged with the task of ensuring your rights are protected. The Administrative Hearing Officer will aid you throughout the hearing, if you ask for help, or otherwise show you need assistance. You may also have a friend or family member help as your representative in the hearing.

Will my former employer be at the hearing?

The employer named in a separation determination is always an interested party and is given notice of the hearing. The Appeals Tribunal does not usually compel employers to appear for the hearing. An employer may choose not to attend a hearing.

How long does the hearing with the Appeals Tribunal take?

The length of the Appeals Tribunal hearing depends on the amount of evidence, the number of witnesses, and the complexity of the facts. A typical hearing will last 30–45 minutes. Most hearings are allotted one hour for completion. The Administrative Hearing Officer may continue the hearing if more time is needed for completion.

What if I'm working and can't be at the hearing?

The fact that you are working does not allow you to miss your hearing. If you are unable to attend the hearing, you may contact the Appeals Tribunal to discuss options regarding postponement.

Should I continue to file my weekly certifications while waiting for the appeal hearing/decision?

Yes, you should continue certifying each week. If you are successful on appeal, you will be paid for each week you certified. Remember, you must also be able to work, available to work, and actively seeking work to receive unemployment insurance benefits. Although it may be decided that

FREQUENTLY ASKED QUESTIONS

you are eligible to receive benefits, you may be disqualified from receiving benefits or have to repay benefits received for any week you were not able and available to work and/or failed to submit your weekly work search record.

How soon will I know the decision on my appeal?

The Administrative Hearing Officer and the Board of Review will release a written decision to be mailed to all interested parties as soon as possible after the hearing. Decisions will not be given over the telephone.

What happens if I am being paid unemployment benefits, and I lose the appeal?

If the Administrative Hearing Officer, Board of Review, or a court reverses a determination that allowed benefits, you will be required to repay any benefits you received.

Who pays for the benefits I receive?

Benefits are paid from Georgia's Unemployment Insurance Trust Fund, which is funded by a tax paid by employers. Employees do NOT contribute to this fund. If the original determination that allowed benefits is reversed, the employer must have furnished timely written separation information to the GDOL to receive credit on their unemployment insurance tax account.

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