



**Legal Aid
Society
of Hawai`i**

Unemployment Benefits How to Appeal

You might find this brochure helpful if:

- You have received a decision from the unemployment office denying your application for unemployment benefits, OR
- You have received a notice ending or reducing your unemployment benefits.

I received a notice in the mail about my unemployment benefits.

If your unemployment benefits are denied, reduced, or terminated, this is not a final decision. You have the opportunity to appeal the decision made by the claims examiner.

What is an Appeal?

An appeal is a request that you make to the unemployment office asking them to re-think their decision. In this case, you are asking for a hearing to further explain why you should get unemployment benefits.

How do I Appeal?

You must appeal to the Unemployment Insurance Bureau (UIB) office in writing within **10 calendar days (not working days)** of the date on the notice they sent to you. If you mail your appeal, the envelope must be postmarked on or before the 10th calendar day. If you hand-deliver your appeal, they must receive it on or before the 10th calendar day.

To appeal, all you need to do is identify your claim and state that you would like to appeal. You do not have to explain why you are appealing, and you do not have to submit any evidence at this time. You can appeal the UIB's office decision two ways:

- (1) get an appeal form from the UIB office, **OR**
- (2) write a letter to the UIB office asking for an appeal. Simply identify your claim and say you want to appeal. See sample letter for more specific instructions. (It is safest to hand-deliver your appeal.)

After you file your appeal, you should get a hearing notice in the mail within 2 - 3 weeks. If you do not get one, call the UIB office and ask about the status of your appeal.

I Missed the Appeal Deadline: What Can I Do?

You may be able to extend your 10-day appeal deadline to 30 days if you have a compelling reason for missing the deadline. However, if it has been more than 30 days since your denial, it is too late to file an appeal even with a compelling reason. You will need to reapply all over again.

A compelling reason could be: death in the family, extreme illness, necessary absence from the State.

A compelling reason is NOT: you forgot or you didn't read the date on the ruling.

If you missed the 10-day appeal deadline, file your appeal and state your reason for missing the deadline. You will then receive a notice of the hearing date. At the hearing, the appeals officer who hears your case will first decide if the reason for missing the 10-day deadline is compelling. If s/he decides it is not, s/he will deny your request for an appeal,

What next?

Once you have received a hearing notice, you need to start preparing for your hearing. Gather witnesses and evidence to support your side of the story. For more information, see brochure entitled, "Unemployment Benefits: How to Prepare for Your Hearing."

Legal Terms

Claims Examiner the person who reviewed your application for unemployment benefits

Hearing a legal proceeding where a decision is made based on the evidence and testimony of both parties

Hearing Date the date of your unemployment appeals hearing

Hearing Officer the person at the hearing who will make a decision based on the evidence and testimony of both parties

Notice a letter you will receive telling you when and where your hearing will be

UIB Unemployment Insurance Bureau. This is the office that distributes your unemployment benefits.

References

Legal Aid Society of Hawai`i
<http://www.legalaidhawaii.org>

Legal Hotline Open Monday to Friday
9:00 - 11:30am and 1:00 - 3:30pm
OAHU: 536-4302 MAUI: 242-0724
HILO: 934-0678 KONA: 329-8331
KAUAI: 245-7580 LANAI: 565-6089
MOLOKAI: 553-3251

Dept. of Labor
Unemployment Office
OAHU:
Honolulu Office 586-8970 or 586-8971
Kaneohe Office 233-3377
Waipahu Office 675-0030

HILO: 933-4461
KONA: 322-2724
MAUI: 243-5377
KAUAI: 241-3485

To find a private attorney:
Yellow Pages or
Lawyer Referral Service
537-9140



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