

## After the Hearing

Within two weeks after the hearing, you should receive a written decision. The losing party can appeal the decision to the Board of Review within 11 days after it was mailed.

If the hearing decision is different from the initial decision, the Board of Review has to hear the appeal. However, if it is the same, the Board of Review can choose whether or not to hear the appeal.

The Board of Review will either set a date for oral arguments or request a written argument. An appeal to the Board of Review is not a new hearing. The Board of Review decides whether the Appeals Referee made legal mistakes in the decision. If you have an appeal to the Board of Review, you will need to explain why the Referee's decision did (or did not) follow the law.

## Overpayment

If you receive benefits, but it is later determined that you are ineligible, you may receive have to repay the money you have already received. You can appeal the overpayment or ask for a waiver. If you can prove that the overpayment was not your fault and the repayment would cause a hardship, you may not have to repay the money.

## Extended, and Supplemental Benefits

Before your benefits end, you should contact your local unemployment office to see whether you are eligible for extended or supplemental benefits.

Clark County: 1-800-522-1070  
All other counties: 1-800-323-8666

*PLEASE NOTE: Laws are subject to change. Information contained in this pamphlet is based on laws in effect at date of publication . 12/08*

# NEVADA LEGAL SERVICES

## RENO OFFICE

Serving all other counties and  
Native Americans statewide  
204 Marsh Ave. Ste 101  
Reno, Nevada 89509  
775-284-3491 / 877-325-3491  
FAX: 775-284-3497

## SENIOR LAW PROJECT OF NEVADA LEGAL SERVICES

Serving all the seniors in Washoe County  
1155 E. 9th Street, Ste 25  
Reno, Nevada 89512  
775-334-3050  
FAX: 775-334-3056

## LAS VEGAS OFFICE

Serving Clark, Lincoln, Nye and  
Esmeralda Counties  
530 S. 6th Street  
Las Vegas, Nevada 89101  
702-386-0404 / 866-432-0404  
FAX: 702-388-1641  
TDD: 702-386-1059

## CARSON CITY OFFICE

Tuesdays & Thursdays  
8:30 a.m.—noon  
1:00 p.m.—5:00 p.m.  
2621 Northgate Lane, Ste. 10  
Carson City, Nevada 89706  
800-323-8666  
FAX: 775-284-3497

## ELKO OUTREACH OFFICE

380 Court St., Ste. D  
Elko, Nevada 89801  
775-753-5880  
Fax 775-753-5890

## SENIOR HELPLINE

Serving all counties and assisting seniors in Nevada  
through the Senior Helpline  
877-693-2163  
FAX: 702-314-3520

# UNEMPLOYMENT INSURANCE BENEFITS



You may be entitled to benefits even if you quit or were fired.

This informational pamphlet will provided you with the most often asked questions on unemployment benefits!



[www.nevadalegalservices.org](http://www.nevadalegalservices.org)

If you are unemployed, you may be entitled to unemployment benefits, even if you were fired, quit, or receive an initial determination that you are ineligible for benefits.

As soon as you are terminated, laid off, or quit, you should immediately apply for unemployment compensation benefits.

### Who is entitled to benefits?

You are entitled if you:

- Have worked enough hours
- Are able to work,
- Are actively seeking work;
- Are not otherwise disqualified

### What are reasons for disqualification?

You can be disqualified for benefits for reasons related to your last or next to last job such as:

- Voluntary Quit
- Misconduct
- Criminal Activity at Work

Disqualification can also be related to your job search while receiving benefits. You can be disqualified if you:

- Turn Down Suitable Work
- Are Not Able and Available to Work

You can also be disqualified based on your unemployment claim if you fail to:

- Disclose Material Facts
- File the necessary information in a timely manner

However, if you are disqualified, you have a right to appeal the decision.

### What is the appeals process?

Once you receive a letter stating your claim has been denied, you have eleven days from the date the letter was mailed to appeal. The letter will usually say when the decision is final.

The appeal letter needs to state you are appealing the decision and have your:

- Name
- Birth date
- Social Security Number
- Signature

After your appeal is processed, you will receive a letter giving you the date and time of your appeals hearing.

### What happens at the hearing?

The hearing is your chance to explain why the initial decision finding you were ineligible for benefits was wrong.

At the hearing both you and your employer will have the opportunity to explain your side of the story to the appeals referee. The referee will question each person giving testimony. Each side will also be able to question each witness.

After all the testimony has been given, you and the employer will each have a chance to give a closing argument.

### If you were found to be ineligible because of:

- Criminal Activity
- Turning Down Suitable Work
- Not Being Able and Available
- Failure to disclose material facts

You will want to show that this is not the case. You will want to bring documentation or witnesses that will be able to show this.

- Voluntary Quit

You may be eligible for benefits if you quit your job without first securing other employment if:

- The work conditions were bad enough to make a reasonable person quit
- Before quitting you tried to work with management to solve the problem

The working conditions have to be very bad to justify quitting. Some examples are:

- You were asked to do something illegal
- Your co-workers or supervisors threatened or harassed you

You can also have good cause to quit for personal reasons such as:

- Your health does not allow you to continue working
- You believed you had secured other employment but it fell through

- Misconduct

To be ineligible for benefits based on misconduct, your employer has to show your behavior met the legal standard of misconduct. This means your conduct:

- Showed a disregard for the employer's interests or your job duties **or**
- Was careless or negligent to beyond an accident or good faith error in judgment **and**
- Was wrongful

Inability or incapacity to do something or a good faith error in judgment is not disqualifying misconduct.

- Timely Filing

If your appeal is not timely filed, or if you do not go to the hearing, your case may be dismissed. If you do not file your appeal by the deadline, you will need to show good cause, like you were in the hospital or out of town.

If you do not think you will be available for your hearing, you should call the Appeals Office and request a new hearing date.