

Can A Claimant or An Employer File an Appeal?

New Hampshire Employment Security Video Script

Hi, I'm Erika from New Hampshire Employment Security.

Benefit claims are sometimes disputed. There is an appeals process to handle these disputes.

If you receive a Determination of Unemployment Compensation that you disagree with, you will have 14 calendar days to file an appeal. Simply follow the directions on the bottom of the form.

If you are unemployed, please continue filing your weekly claims. If you are found eligible because of the appeal, you will only receive benefits for weeks filed timely.

If you have asked that documents be sent electronically, be sure to check your correspondence box frequently so you do not miss the appeal time limit.

It's important to check your mail and all documents very carefully. If you file after the 14-day deadline, your request for an appeal will be denied unless you provide a justification for the late filing.

Employers who disagree with a determination have the same appeal rights.

Once the appeal is filed, the Appeals Unit will send a notice to all interested parties. A hearing will be scheduled and all parties will receive at least 8 days notice of when and where it will be held.

Most hearings are held at your local Employment Security office or by teleconference. If you are scheduled for a telephone conference, be sure to

immediately return the contact form with the telephone number where you can be reached at the time of the hearing.

It's very important to attend the hearing, as each case is decided on an individual basis. If you do not request a postponement and fail to participate in the hearing, the original decision will stand.

Postponements will only be granted for good cause and are not guaranteed.

The hearing is conducted by an Appeal Tribunal Chairman. It is recorded.

Witnesses provide information under oath and affirmation. During the hearing, the chairman will explain the procedures and issues, and ask questions. You will also be able to ask questions of the other witnesses and present evidence, such as documents, that support your appeal. Be sure to have all your witnesses and documents at the hearing, as this will be your only opportunity to introduce evidence and testimony. Any further appeal will be a review of the record only.

Most people represent themselves but you may have an attorney present at your own expense. The Department has a Claims Representative that you may consult prior to your appeal hearing if you have questions about how best to present your argument.

After gathering all the available information from the parties present, the Chairman will consider the matter and write a decision. The Decision of the Appeal Tribunal is mailed to all parties, so if you change your mailing address or phone number during the appeal process, be sure to notify the Appeal Unit immediately.

If you disagree with the decision, you will have 14 days from the decision mail date to request a reopening of the case. The Commissioner may grant a reopening only if there is fraud during the hearing, a mistake in law or newly discovered evidence not available at the time of the hearing.

Resources to help with appeals include the *Unemployment Compensation, Your Rights and Obligations* booklet and *The Appeal Tribunal Hearing – A Claimant's Guide*. These and other useful resources are available at www.nhes.nh.gov from the Forms and Publications link.