

You can also ask for permission to file a brief, which is a longer written explanation of the reasons the referee should have decided in your favor. It is very helpful to have legal representation at this stage.

Appeals to the Commonwealth Court

If the Unemployment Compensation Board of Review decides against you, you have 30 days from the date of the Board's written decision to appeal to the Commonwealth Court of Pennsylvania. Although you are allowed to appeal without an attorney, it is very hard to do so because court procedure is much more formal.

If I am denied unemployment compensation and don't win an appeal, what else can I do?

First, you should try to find work. The sooner you get back to steady employment, the better, whether or not you qualify for unemployment compensation. Make sure a job is suitable for you before you accept it, however, because if you quit it you can be denied unemployment compensation.

In some circumstances, if you were denied unemployment compensation because you quit your job without a good reason or were fired for willful misconduct, you can re-qualify for benefits if you get a new job and earn six times your weekly benefit rate (what you would have gotten per week in unemployment benefits). For example, if your weekly benefit rate would have been \$200, you may re-qualify for benefits once you get a job and earn \$1,200. Then the reasons you lost your old job will no longer prevent you from getting unemployment compensation. However, you could still be denied unemployment compensation if you did not have good reasons for leaving the second job.

Can I get my job back if my employer fired me without a good reason?

The general rule in Pennsylvania is that most workers are considered "employees at will," and the employer can fire them for any reason or for no reason. Only in special circumstances is there any way for a worker to get a job back. A few of the circumstances in which you can sometimes get a job back or get back pay are if you were fired because:

- of your race, sex, national origin, religion, age, or disability;
- you were involved in union activity;
- you filed bankruptcy or had a wage garnishment;
- you served on a jury or exercised a constitutional right;
- you filed a claim for benefits such as worker's compensation or unemployment compensation, or tried to enforce an employment law such as the minimum wage law;
- you were absent for reasons covered by the Family and Medical Leave Act, such as the serious health condition of a family member or yourself.

If you work for the government, you may also be protected by civil service rules. If you are a non-probationary union member, your employer may also have a grievance procedure that you can use to try to get your job back, if the employer did not have just cause to fire you. However, the fact that you are approved for unemployment compensation benefits does not mean that you have a legal basis to get your job back.

REMEMBER. The law often changes. Each case is different. This pamphlet is meant to give you general information and not to give you specific legal advice.

Please use the information found in this brochure carefully since the law is constantly changing and the information may not accurately reflect any changes in the law that occurred following the creation and publication of the brochure.

Pennsylvania Legal Aid Network, Inc.
118 Locust Street
Harrisburg, PA 17101
(800) 322-7572
www.PALegalAid.net

Informational pamphlets on other legal topics can be found at



Your Online Source for Legal Information and Civil Legal Aid
in Pennsylvania

Revised 08/08 This public information pamphlet was edited by Neighborhood Legal Services Association and produced by Pennsylvania Legal Aid Network, Inc.



Your Right to Unemployment Compensation

Public Information Pamphlet #24

*Who can get unemployment
compensation?*

How can I find out if I can get benefits?

*Can I appeal if I am denied
unemployment compensation?*

*If I am denied unemployment
compensation and don't win an appeal,
what else can I do?*

**Pennsylvania
Legal Aid Network**

The Pennsylvania Legal Aid Network of civil legal aid programs
provides help for people who have no place else to turn



Your Right to Unemployment Compensation

Public Information Pamphlet #24

■ **PEOPLE HAVE** very difficult money problems when they are out of work. The goal of unemployment compensation is to help workers who are out of work through no fault of their own, by giving them financial help until they can find other work.

Who can get unemployment compensation?

You can, if you

- have been laid off or fired through no fault of your own, or if you had very good reasons that forced you to quit your job;
- have earned enough wages to qualify for benefits;
- are able to work and are available for work at another job suitable to your skills, education or training;
- register for work as part of your unemployment compensation claim;
- put in a claim for benefits by telephone or Internet each week that you are able to work and are available for work.

You must meet all of these requirements to get benefits.

How can I find out if I can get benefits?

The Unemployment Compensation Center of the PA Department of Labor and Industry will make an independent decision about whether you have earned enough money to collect benefits, and whether there was a good reason under the law why you lost or left your job. It is the unemployment office, not your employer, that makes this decision.

Initial applications for benefits may be filed online, 24 hours a day, 7 days a week at www.dli.state.pa.us, Keyword: unemployment. Or, you may file by phone through a UC Service Center 7:00 a.m. to 4:45 p.m. Tuesday through Friday.

TOLL FREE STATEWIDE:

888.313.7284

TOLL FREE TTY (Hearing Impaired):

888.334.4046

Here's what you need when you file an application:

- Your Social Security Number
- Your PA driver's license number (if you have one)
- Your alien registration number (if you are not a U.S. citizen)
- Name and address of employer(s)
- Your Employer Information Form (if you have one)
- Your mailing address
- Dates of employment and reasons for leaving
- Your most recent pay stub (optional, but helpful)
- Your Personal Identification Number, PIN (if you have one)

Can I appeal if I am denied unemployment compensation?

Yes. If the Unemployment Compensation Center denies your claim, you have the right to appeal. Many workers win their appeals, so don't be discouraged by a local office decision that goes against you.

It is easy to appeal. Instructions for appealing can be found on the Notice of Determination. You should make a brief statement on the appeal form about why you disagree with the decision. You must file your appeal within 15 days from the mailing date on the written notice denying you benefits. File your appeal as early as possible!

The Referee Hearing

If you appeal a decision of the local Unemployment Compensation Service Center, or

if your employer appeals, a referee will be assigned to hold a hearing, which is like a trial but somewhat less formal. At the hearing, you and your employer will be allowed to present each side of the story. You have the right to look at the file in the local office a few days before the hearing and make copies of the papers to get an idea of what your former employer is going to say.

You must present all the facts of the case at this hearing, because you usually are not allowed to present any more information if you appeal to a higher level. This hearing is usually your only chance to present evidence. It is very important for you to attend this hearing, even if your employer's case is weak and even if the local office originally ruled in your favor. If you do not attend, you may lose.

Remember that the referee cannot base the decision on hearsay evidence. If you want to prove that something happened, you must bring a person to the hearing who was there or who has other firsthand knowledge about what happened. If the employer tries to have someone testify without firsthand knowledge or who is testifying to what someone else said, you should tell the referee that you object to that evidence as hearsay.

It is a very good idea to have a lawyer, a paralegal, or someone else who has experience handling unemployment compensation cases represent you at this hearing.

Appeals to the Board of Review

If the referee decides that you cannot collect benefits, you may appeal that decision to the Unemployment Compensation Board of Review. Instructions for filing an appeal are to be found on the referee's decision. Again, give the reasons why you disagree with the decision. You must file this appeal within 15 days from the mailing date of the referee's written decision.

Once you file an appeal, you can ask the Board of Review to send you a copy of the transcript of the hearing (a typed version of the tape recording that was made at the hearing) and the exhibits that were introduced into evidence at the hearing.