Unemployment Insurance Appeals

OFFICE OF APPEALS
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Why is an Unemployment Insurance appeal hearing important?

The appeals process provides a fair and impartial review of your Unemployment Insurance claim. This pamphlet explains the hearing process and the steps you can take to ensure your appeal is as complete as possible.

- **Claimants** may appeal if their benefits are denied or if they are required to repay benefits they received.
- **Employers** may appeal if benefits are paid to an employee who quit, was discharged for misconduct, refused suitable work, or if penalties are assessed.

The Claims Division also has the legal right to appeal decisions made by a Referee or the Board of Review.

For more information about appeal rights, refer to the **Appeals Handbook** at https://nui.nv.gov.

What happens after an appeal is filed?

After an appeal is filed, an impartial Appeals Referee employed by the Employment Security Division (ESD) will conduct a hearing.

Important Steps After Filing:

1. **Continue Filing Weekly Certifications:**
   If you are a claimant, you must continue to file timely weekly certifications for unemployment benefits during the appeal process. If the appeal is decided in your favor, you will only receive payments for weeks you filed.
2. **Notice of Hearing:**
   You will receive a letter with the date, time, and instructions for the hearing. Read the notice carefully.
3. **Review Your Appeal Packet:**
   Log in to https://nui.nv.gov to access and review your Marked Appeal Packet once you have received your Notice of Hearing. Out-of-state employers will receive their instructions by mail on how to view the appeal packet.

Your Hearing

Hearing Format

Hearings are conducted by telephone. You can request accommodations, such as a language interpreter or alternative format, when filing your appeal online at https://nui.nv.gov.

You can also use the website to:

- Review your appeal packet
- Update your contact information
- Withdraw your appeal
- Check in for your appeal
- Upload Additional Documentation
- Add witnesses for your hearing

Contact the Appeals Office directly only if additional assistance is needed.

Participation is Critical

- If you do not attend, your appeal may be dismissed.
- If the employer appeals, claimants should attend because a reversal could require repayment of benefits issued.

If you cannot attend on the scheduled date, you can select the option to Request my Hearing is Rescheduled link in your portal or contact the Appeals Office. Be prepared to explain your reason and provide supporting documentation if necessary, rescheduling and postponements are not automatic and require good cause.

What happens during the hearing?

1. **Introduction:**
   The Appeals Referee will explain the issues to be addressed and the hearing procedures.
2. **Presenting Evidence and Testimony:**
   - All interested parties will have the opportunity to present evidence and testimony.
   - All testimony is given under oath.
   - Witnesses with firsthand knowledge are strongly recommended.
3. **Hearsay Evidence:**
   Hearsay evidence (statements made by others) may be allowed but may carry less weight.
4. **Burden of Proof:**
   - If you are a claimant and quit your job, you must prove you had good cause.
   - If you were discharged, the employer must prove misconduct.

5. **Closing the Hearing:**
   Before the hearing ends, both parties may make a final statement and present any additional evidence.

Preparation Tips

- **Submit Evidence:**
  Upload all evidence online at least 48 hours before the hearing.
- **Plan Your Case:**
  Make a checklist of the key facts and questions to address during the hearing.
- **Arrange Witnesses:**
  Interested parties are solely responsible for arranging for any witnesses to be present during the hearing. Witnesses should have firsthand knowledge of the events in question. If a witness refuses to appear voluntarily, you may request a subpoena during the hearing. Subpoenas are issued only if the witness's testimony is essential to the case.

Will there be a record of the hearing?

The entire hearing is recorded by the Appeals Referee. You may access the record if you decide to file a further appeal. No other recordings are permitted. Transcripts are only available if ordered by the district court and cannot be used for other legal proceedings.

After the Hearing

The Referee's Decision:

The Appeals Referee will issue a written decision within thirty (30) days of the hearing. This decision will include findings of fact and conclusions of law based on the evidence presented.

- Claimants must continue filing weekly certifications while going through the appeal process.
- If you disagree with the decision, you may appeal to the Board of Review within **11 days** of the decision's mailing date.

Withdrawing Your Appeal

If you no longer wish to pursue your appeal, you can withdraw it online at https://nui.nv.gov. Provide your reason for the withdrawal.

The Appeals Referee may deny withdrawal requests if there is concern that the withdrawal was made under pressure or due to fraud.

Additional Information

Legal Assistance

The hearings are designed for claimants and employers to participate without legal representation. However, the parties may elect to have representation such as an attorney, union representative, third party, or some other designated representative.

For low-cost legal help, contact:

- **Nevada Legal Services:**
    - Clark County: (702) 386-0404
    - Washoe County: (775) 284-3491
    - Rural Counties: (800) 323-8666

For attorney referrals, contact the Nevada State Bar Lawyer Referral Service at (800) 789-5747. The Division is not allowed to provide attorney referrals.