

# Appeals Process Video Transcript

NARRATOR: "We are here today because the employer, Williams Corporation, appealed an Illinois Department of Employment Security determination to award unemployment insurance benefits to claimant Jerry Smith. Mr. Smith has been discharged by the employer for excessive absences."

[Telephone ringing]

CLAIMANT: "This is Jerry."

HEARINGS REFEREE: "Hello, may I please speak to Jerry Smith?"

CLAIMANT: "Speaking."

HEARINGS REFEREE: "This is Hearings Referee Lu Hernandez, with the Department of Employment Security, calling you on docket number 900A involving you and the Williams Corporation. Are you ready to proceed?"

CLAIMANT: "Yes."

HEARINGS REFEREE: "I first need to inform you that this hearing will be recorded to preserve the official record. Please hold while I connect the employer's representative, Ms. Jones. If we get disconnected for any reason, just hang up. I will call you right back."

[Telephone ringing]

EMPLOYER: "Williams Corporation, this is Human Resources. This is Carol, how can I help you?"

HEARINGS REFEREE: "This is Hearings Referee Lu Hernandez, with the Department of Employment Security calling you regarding docket number 900A involving you and Mr. Smith. Are you ready to proceed?"

EMPLOYER: "Yes."

HEARINGS REFEREE: "Is anyone else with you?"

EMPLOYER: "Yes, our witness, Mr. Carr. He is one of our foremen and the former supervisor of the claimant."

HEARINGS REFEREE: "Mr. Carr, would you please spell your first and last name?"

WITNESS: "Yes. Robert R-O-B-E-R-T Carr C-A-R-R"

HEARINGS REFEREE: "Ms. Jones, would you please hold while I connect the claimant, Mr. Smith, to the hearing?"

HEARINGS REFEREE: "As I told Mr. Smith, I've turned on the recording device. This will preserve the official record in the event this should be appealed to the Board of Review. After a brief introduction of the issue or the issues concerning this hearing, I will go over the procedures we will follow."

NARRATOR: "The scene you have just witnessed is the beginning of an Unemployment Insurance Benefit Appeals Hearing. This video is designed to help claimants and employers prepare for their hearing. There is plenty you can do beforehand to prepare for your hearing. One of the most important things you can do is be by your phone and ready to begin your hearing on time.

In this case, it is alleged that the claimant was absent for the third time in less than twelve months without a good excuse. The claimant's previous two absences were unexcused under Williams Corporation's rules. At the time of his third absence the claimant was out of town visiting a sick grandmother. On account of bad weather in Chicago, the claimant's flight was cancelled out of Arizona. Because his flight was cancelled, the claimant was unable to make it into work the following day. As you watch the following case, pay close attention to how the case flows."

HEARINGS REFEREE: "This is a hearing before the Illinois Department of Employment Security, Benefit Appeals Division in docket number 900A, being held this 3rd day of April, 2006 at 8:30am. My name is Lu Hernandez working in my capacity as a Hearings Referee out of the Central Office in Chicago, Illinois. Appearing in the hearing by telephone this morning is the claimant, Jerry Smith. Mr. Smith, would you state and spell your full name, your address, and social security number for the record."

CLAIMANT: "My name is Jerry Smith, J-E-R-R-Y S-M-I-T-H. I live at 123 State Street, Chicago, Illinois. My Social Security number is 304-00-9...."

HEARINGS REFEREE: "Also appearing is the Williams Corporation represented by Ms. Carol Jones. Would you state your full name, spell your last name, state your position with the company, and of whom you're employed."

EMPLOYER: "I am Carol Jones. My name is C-A-R-O-L J-O-N-E-S. I am a Human Resource Specialist for the Williams Corporation."

HEARINGS REFEREE: "Mr. Carr, could you please identify yourself for the record."

WITNESS: "My name is Robert Carr. I'm a foreman in Williams Corporation."

HEARINGS REFEREE: "This is an appeal from a Claim Adjudicator's Determination dated January 17, 2006, which held that Mr. Smith was discharged for a reason which did not constitute misconduct connected to work. The employer filed an

appeal on February 16, 2006. The appeal was filed 30 days from the date of the mailing of the Claims Adjudicator's Determination. Therefore, this case is timely before me.

This issue that we will be concerned with this morning arises under Section 602A of the Illinois Unemployment Insurance Act which provides, in part, that an individual shall be ineligible for benefits if he was discharged for misconduct connected to his work. The term misconduct is defined as deliberate and willful violation of the employer's reasonable rules or policies, provided such a violation has harmed the employer or other employees or has been repeated by the individual despite a warning or explicit instructions from the employer.

This hearing will be conducted according to the following procedure: In a discharge case, the employer is questioned first because the employer knows why it discharged the claimant. Therefore, first I will ask Ms. Jones some questions in order to establish the evidence necessary for this hearing. Afterwards, Ms. Jones will be given an opportunity to add any other information she feels is important that neither she nor I have previously covered.

Following that, Mr. Smith, you'll be given the opportunity to ask Ms. Jones questions concerning her testimony. This is called cross examination. Mr. Smith, you are not to argue with the witness or comment on Ms. Jones answers. When you finish your questioning, I will turn to Mr. Carr.

When I have finished my questioning of Mr. Carr, you, Ms. Jones, may ask questions of your witness. Please do not make the questions repetitious of anything that we've already covered earlier. Since Mr. Carr is your witness, you, Ms. Jones, cannot ask Mr. Carr leading questions. Now, leading questions are questions that suggest the answer. When Ms. Jones finishes her direct questions, then Mr. Smith may cross examine Mr. Carr.

After that, I will then ask you, Mr. Smith, some questions in order to get your side of the story. When I finish my questions, Mr. Smith, you'll be given the same opportunity to add any other information you feel is important that I have not covered. This is the time you must address any testimony you heard from the employer or its witness with which you disagree. Then, Ms. Jones, you'll be given an opportunity to ask Mr. Smith cross-examination questions concerning his testimony. The same procedure will be followed if either party wishes to present a rebuttal to the other party's testimony. Remember, a rebuttal is only for issues that the opposing party has raised and that you have not had the opportunity to address. Also each side will be given an opportunity to offer closing remarks.

It is important that no one interrupts the other person while they are giving testimony. I ask that each of you have a pen and a piece of paper handy so that you can write down anything that comes up while the other person is testifying - any questions that you might have, any statements that you might want to add. Only the person to whom a question has been addressed may respond. No one is to make any comments on anyone else's testimony while that person is testifying.

Remember: write it down! You'll get your chance when it is your turn to give your testimony. Do you understand the procedures and your responsibilities, Mr. Smith?"

CLAIMANT: "Yes"

HEARINGS REFEREE: "Ms. Jones?"

EMPLOYER: "Yes"

HEARINGS REFEREE: "Mr. Carr?"

WITNESS: "Yes"

HEARINGS REFEREE: "Do you have any questions regarding the procedure or the issues Mr. Smith? "

CLAIMANT: "No."

HEARINGS REFEREE: "Ms. Jones?"

EMPLOYER: "No"

HEARINGS REFEREE: "Mr. Carr?"

WITNESS: "No"

HEARINGS REFEREE: "All testimony is taken under oath or affirmation, so all of you have to will raise your right hand. Do you solemnly swear or affirm that the testimony you give is the truth, the whole truth, and nothing but the truth, Mr. Jerry Smith?"

CLAIMANT: "I do."

HEARINGS REFEREE: "Ms. Carol Jones?"

EMPLOYER: "I do."

HEARINGS REFEREE: "And Mr. Robert Carr?"

WITNESS: "I do."

HEARINGS REFEREE: "Let the record reflect Mr. Smith, Ms. Jones, and Mr. Carr have taken the oath of affirmation and have answered affirmatively. Let the record also reflect that I have before me Ms. Jones's protest to Mr. Smith's claim of unemployment insurance benefits, which I've marked as Exhibit 1. The employer's protest has a reply due date of 1/30/2006 and bears a fax date of January 30,

2006. Ms. Jones do you have any objections to Exhibit 1 being admitted as evidence to show that the employer filed a timely protest?"

EMPLOYER: "No objections."

HEARINGS REFEREE: "Mr. Smith, do you have any objection to Exhibit 1?"

CLAIMANT: "No objection."

HEARINGS REFEREE: "There being no objection, Exhibit 1 will be admitted then and I find that the employer's protest was timely. Let the record also reflect that I have before me a copy of the claims adjudicator's determination with an appeal due date of February 16, 2006 which I have marked as Exhibit 2 and a copy of the employer's appeal dated February 16th as Exhibit 3. Mr. Smith, do you have any objections to Exhibits 2 and 3 being admitted into evidence to show the Williams Corporation filed a timely appeal?"

CLAIMANT: "No."

HEARINGS REFEREE: "Ms. Jones do you have any objections to Exhibit 2 and 3?"

EMPLOYER: "No objections."

HEARINGS REFEREE: "There being no objections, Exhibits 2 and 3 will be admitted and I find that the appeal was filed timely. We will begin the testimony of Ms. Jones."

HEARINGS REFEREE: "Ms. Jones, is it correct you are a Human Resource Specialist for Williams Corporation?"

EMPLOYER: "Yes, I have been a specialist at Williams Corporation for fifteen years. I came to Williams right out of High School. I will be celebrating twenty-three years with them soon."

HEARINGS REFEREE: "Did you hire Mr. Smith?"

EMPLOYER: "Yes, I hired Jerry as a parts cleaner in 1999. He worked for us until January 4, 2006."

HEARINGS REFEREE: "Was he a full time or part time?"

EMPLOYER: "Full time."

HEARINGS REFEREE: "And his rate of pay?"

EMPLOYER: "\$20.00 an hour."

HEARINGS REFEREE: "And, on average, what was his routine work schedule?"

EMPLOYER: "Monday to Friday from 8:00 AM to 5:00 PM and he had a one hour unpaid lunch."

HEARINGS REFEREE: "What happened to cause Mr. Smith's separation with the Williams Corporation?"

EMPLOYER: "We discharged him."

HEARINGS REFEREE: "And who discharged him?"

EMPLOYER: "I fired him."

HEARINGS REFEREE: "And why was he discharged?"

EMPLOYER: "He was absent without a valid excuse for the third time within twelve months."

HEARINGS REFEREE: "What is Williams Corporation's policy with respect to absenteeism?"

EMPLOYER: "Employees are allowed two unexcused absences within twelve months. Upon a third unexcused absence, they are discharged."

HEARINGS REFEREE: "Had Mr. Smith received any warnings about violating this policy?"

EMPLOYER: "Yes. On April 20, 2005, he was issued an oral warning because he took off to attend a baseball game. On May 12, 2005, he had another unexcused absence. At that time we gave him a written notice telling him about the policy again and explaining that him that if he had another unexcused absence before April 20, 2006, he would be discharged."

HEARINGS REFEREE: "Please tell me more about your attendance policy."

EMPLOYER: "Well, when a person is absent, they can bring in a doctor's note concerning their illness. Also, they can bring in an approved doctor's notice stating that they were ill or that a family member to whom they were serving as primary caregiver was ill. Such absences are excused. Any time an employee presents evidence showing that they were absent due to circumstances beyond their control, such absences are excused. Each employee can therefore have two unexcused absences in a twelve-month period without being discharged for absenteeism. However, upon the third unexcused absence within a twelve month period, they will be discharged. And that policy is posted everywhere."

HEARINGS REFEREE: "So what happened to cause Mr. Smith's discharge?"

EMPLOYER: "Well, on April 20, 2005, Jerry was absent. He called in to say that he was going to a baseball game. And that is not a circumstance that is beyond his control so at that time he was given a verbal warning."

CLAIMANT: "You're a liar! I was never given any warning. I called my supervisor and told him I was going to a ball game. He said 'okay!'"

HEARINGS REFEREE: "Mr. Smith, I warned both parties at the beginning of this hearing not to interrupt each other's testimony. I will give you an opportunity to testify later on."

CLAIMANT: "Yes, ma'am. I apologize. I won't do it again."

HEARINGS REFEREE: "Thank you. I'm sorry, Ms. Jones. Please continue."

EMPLOYER: "On May 12th of 2005, Mr. Smith was absent again. I don't recall what excuse he used this time, however his foreman did issue him a final warning. I faxed you a copy of that warning."

HEARINGS REFEREE: "Did you also fax a copy or send a copy to Mr. Smith?"

EMPLOYER: "No, I'm sorry, I forgot."

HEARINGS REFEREE: "Then I cannot accept the warning document as evidence, though you have testified that a written warning was given, and you will have an opportunity to ask Mr. Smith if he received that warning. And what, if anything, did Mr. Smith say in response to the warning regarding that second absence?"

EMPLOYER: "I don't remember exactly, he said something about being out of town. I told him that if he was sick, all he had to do was to turn in a doctor's note."

HEARINGS REFEREE: "Has Mr. Smith handed in a doctor's note for that second absence?"

EMPLOYER: "No."

HEARINGS REFEREE: "Go on, then. What was the next absence?"

EMPLOYER: "As I stated earlier, he was absent on January 3rd, so we discharged him the next day when he returned to work."

HEARINGS REFEREE: "And did you ask him why he was absent?"

EMPLOYER: "Yes."

HEARINGS REFEREE: "And what did he say?"

EMPLOYER: "Yes, he had said something about being out of town for the New Years holiday. He was visiting with his sick grandmother. Apparently, his plane had gotten cancelled and, in any event, he didn't bring proof in the next day when he came to work that that had happened. So, I discharged him and told his foreman to tell him he was discharged, if and when he ever came back to work."

HEARINGS REFEREE: "Mr. Smith, do you have any questions to ask Ms. Jones?"

CLAIMANT: "Yes, ma'am. When I was absent on May 12th, didn't I explain to my foreman that I was out sick with a cold? "

EMPLOYER: "I asked your foreman about May 12th, and he told me that you didn't explain why you were absent."

CLAIMANT: "Well, I did tell Bob I was out sick and why I was sick. As for January 3rd, there was a snow storm in Chicago. I couldn't get back. I was stuck hours away in an airport. That was beyond my control."

EMPLOYER: "Unless you have proof that your flight was cancelled and no other flights were available, your allegation that you were stranded in an airport is not an acceptable excuse for not showing up to work."

CLAIMANT: "But I did give proof to Bob."

HEARINGS REFEREE: "Mr. Smith, do you have any more questions for Ms. Jones?"

CLAIMANT: "No."

HEARINGS REFEREE: "Ms. Jones, is there anything else?"

EMPLOYER: "No, I've said everything I needed to say."

HEARINGS REFEREE: "Mr. Carr, you'll be the next witness to testify. Can you tell me what you remember about January 3, 2006, concerning Mr. Smith's absence?"

WITNESS: "Mr. Smith did not show up to work at 8:00 a.m. I advised Human Resources. Ms. Jones reminded me that Mr. Smith's absence was his third unexcused absence. Ms. Jones told me he was terminated and to gather his personal items."

HEARINGS REFEREE: "What happened when Mr. Smith arrived to work on the 4th?"

WITNESS: "I told him he was discharged. He was to turn in his pass and gather his personal belongings."

HEARINGS REFEREE: "Did he say anything?"



WITNESS: "He said his plane had been delayed."

HEARINGS REFEREE: "Did he give you anything? A letter?"

WITNESS: "No, I don't recall him giving me anything at all."

HEARINGS REFEREE: "Do you recall the events of May 12, 2005, that are pertinent to this case?"

WITNESS: "I just recalled that Mr. Smith called and said he was not coming in to work. I said if you're sick remember to bring in a doctor's note."

HEARINGS REFEREE: "Did he later give you that doctor's note?"

WITNESS: "No. He never mentioned anything to me when he returned."

HEARINGS REFEREE: "No further questions, Ms. Jones do you have any questions for your witness?"

EMPLOYER: "No."

HEARINGS REFEREE: "Mr. Smith you may now cross examine this witness if you wish"

CLAIMANT: "Bob, don't you remember me handing you a letter on January 4th when I when I returned to work?"

WITNESS: "No, I don't!"

CLAIMANT: "Didn't you have some folders in your arms and couldn't you have put the letter in those folders?"

HEARINGS REFEREE: "This is a compound question. Try to answer each of those questions separately."

WITNESS: "Yes, I did have folders. And, yes anything could have happened, but no, you didn't give me anything."

CLAIMANT: "Did you ever ask me for a doctor's note after my May 12th absence?"

WITNESS: "It is not my place to ask you for a doctor's note. No!"

CLAIMANT: "I have no further questions."

HEARINGS REFEREE: "Ms. Jones, any rebuttal?"

EMPLOYER: "No."

HEARINGS REFEREE: "Mr. Smith, we'll now start your testimony. Were you employed by Williams Corporation as a parts cleaner from June 1999 to January 4, 2006?"

CLAIMANT: "Yes."

HEARINGS REFEREE: "Were you aware of Williams Corporation's absence policy?"

CLAIMANT: "Yeah, I was aware of the policy. I got a copy of it when I started and it's posted around the plant, like Carol said."

HEARINGS REFEREE: "Were you given a final written warning for violating that policy?"

CLAIMANT: "Yeah, they warned me in May when I was absent, but it was unfair."

HEARINGS REFEREE: "What happened on the night of January 2, 2006?"

CLAIMANT: "Well, it's just like I wrote it up in the Department's claim form. I went out to the airport early, to catch my flight, and the airport personnel informed me that my flight had been cancelled. It was snowing in Chicago, so they had cancelled all the flights for that night."

HEARINGS REFEREE: "Then what did you do?"

CLAIMANT: "I was so upset because I needed to get to work the next day and so I checked around with the other airlines to see if anyone was flying into Chicago, and no, none of them were because they said it was too dangerous to fly in."

HEARINGS REFEREE: "What happened next, Mr. Smith?"

CLAIMANT: "So I knew I was stranded and wouldn't be able to come home, you know, make it back to work that day. And, I felt so helpless because it wasn't my fault. I didn't know it was going to be the worst snowstorm of the winter in Chicago. So I went and got a letter from the clerk stating that the flight had been cancelled."

HEARINGS REFEREE: "Did anything else happen?"

CLAIMANT: "Yes. I finally got a flight out the next day, after the airports had cleared, but by that time it was so late that I couldn't get into work that day. And so when I went in the next day, I went to see my supervisor and he was really upset. He was very angry and told me to grab my things and clear out and leave the plant. I said, it's unfair and I should get a hearing, that I have rights. He just told me to get my things and leave. Then, the next day, I called Carol and she told me that I had been warned before and this was the last time, so I was fired."

HEARINGS REFEREE: "Mr. Smith, Ms. Jones stated that you could have saved your job if you provided proof that your flight was cancelled. Did you provide your employer with that proof that your flight was cancelled?"

CLAIMANT: "Yes, I gave my foreman a copy of the letter from the airline saying that my flight had been cancelled. He didn't even read it. There were witnesses there, and this was beyond my control. I mean, I don't control the weather."

HEARINGS REFEREE: "Did you ask these witnesses to appear today to testify on your behalf?"

CLAIMANT: "No, they are employees there and they did not want to be a part of the hearing. But I did send you a copy of the letter."

HEARINGS REFEREE: "Yes, I did receive the letter. Ms. Jones, did you receive a copy of the letter?"

EMPLOYER: "Yes."

HEARINGS REFEREE: "Then this letter will be entered into evidence as exhibit number 4 , if both parties are in agreement."

EMPLOYER AND CLAIMANT: "Yes."

HEARINGS REFEREE: "Is there anything else you wish to add, Mr. Smith?"

CLAIMANT: "Nothing except for my final statement."

HEARINGS REFEREE: "Ms. Jones, Do you have anything you want to ask of Mr. Smith?"

EMPLOYER: "Yes. Did you ever send a doctor's notice to Human Resources regarding your absence on May 12th?"

CLAIMANT: "No."

EMPLOYER: "Did you ever send a copy of the letter regarding the plane delays to Human Resources?"

CLAIMANT: "No."

EMPLOYER: "No further questions."

HEARINGS REFEREE: "Mr. Smith, did you know that you already had two unexcused absences for the year?"

CLAIMANT: "Yes. Well, basically how I see it is that I was unable to make it into work on the 3rd because of circumstances beyond my control."

HEARINGS REFEREE: "Did you call anyone at work to report you'd be absent?"

CLAIMANT: "Yeah, well, I tried to call my supervisor but he never picked up the phone."

HEARINGS REFEREE: "I don't have any more questions for you, Mr. Smith. Is there anything else you want to say?"

CLAIMANT: "Yes. I never intentionally planned on not showing up for work on January 3, 2006. I gave proof to my foreman as to why I wasn't able to be there that day."

HEARINGS REFEREE: "Mr. Smith, have you presented all the evidence that you wish to?"

CLAIMANT: "I just want to say that I was absent for reasons beyond my control on January 3, 2006."

HEARINGS REFEREE: "Do you have anything to add that you have not previously stated?"

CLAIMANT: "Nothing but my final statement."

HEARINGS REFEREE: "Ms. Jones, do you have any rebuttal?"

EMPLOYER: "I just want to repeat that I spoke to the foreman, and he never said anything to me about receiving the note from Mr. Smith."

HEARINGS REFEREE: "Please proceed with your closing statements, Mr. Smith."

CLAIMANT: "I was wrongfully discharged by my employer, Williams Corporation, in violation of every contract and every procedural safe guard we have worked to establish over the years. I was sick on May 12, but I didn't go to a doctor, I would have had to take another day off."

HEARINGS REFEREE: "Anything else Mr. Smith?"

CLAIMANT: "Yes."

HEARINGS REFEREE: "Go ahead."

CLAIMANT: "Finally, you have heard my testimony on how I was unable to show up for work on January 3, because my plane was stuck in Arizona. I presented proof to

my foreman that this problem was beyond my control. I have nothing more to my appeal."

HEARINGS REFEREE: Ms. Jones, do you wish to make a closing statement?"

EMPLOYER: "We will rest on the record."

HEARINGS REFEREE: "There being nothing further, I will bring this hearing to a close. You will receive a written decision in about a week. A copy will be sent to you in the mail. If you don't receive it in a week, call your local office, have your docket number handy. If you decide to appeal you must do so within thirty days from the mail date on the decision to do so. Information on how to file an appeal can be found after my signature. I want to thank each of you for your participation in the hearing. This hearing is now closed. Thank you and have a good day."

NARRATOR: "You have just witnessed a hearing in which both parties made efforts to prepare for their appeal hearing. In this case, the employer, Williams Corporation, appealed an IDES determination to award unemployment insurance benefits to the claimant, Jerry Smith, who was discharged from his job. In discharge cases, misconduct has to be established by a preponderance of credible evidence.

Carol Jones, the employer's representative, explained that Mr. Smith was discharged from his job for being absent from work without a valid excuse three times within a 12-month period. To help make her case, the employer presented Mr. Smith's foreman as a witness to his unexcused absences. On the other hand, Mr. Smith submitted to the hearing referee evidence which he believes should excuse his third absence. That evidence was a letter from the airline confirming that his flight had been cancelled. Mr. Smith claimed that he presented this letter to his foreman, but he has no witness to vouch for him. Mr. Smith's foreman testified that he never received a letter about the flight cancellation.

These are important factors that the hearings referee must consider when deciding the outcome of this case. After careful consideration, the hearings referee submits a written decision to all parties through the mail.

When you receive the decision in the mail, look carefully at the mail date on the decision. If you decide to appeal the referee's decision, you have thirty days from the mailing date on the decision to file the appeal to the Board of Review. Instructions for appealing to the Board of Review are listed at the bottom of the decision.

It is crucial that you've done all that you can to prepare for your hearing Here are things you can do to begin preparing now:

Read the Preparing for Your Appeal Hearing pamphlet. This pamphlet contains detailed information on how to prepare for a hearing.

Decide what information will help establish evidence in your favor. Gather all of the necessary documents and prepare a list of the relevant events in chronological order or the order that best helps you give your testimony.

Choose witnesses with direct personal knowledge or experience with your case. Make sure they're available and ready to receive the Hearing Referee's telephone call or appear with you at an in-person hearing. Alert the Referee at the time of the hearing of their presence if they appear at your location. If your witness is at a different location, you must provide their telephone number ahead of time.

Mail or Fax to IDDES and the other party any documents you would like to use in your case in advance of the hearing. The Hearing Referee's fax number and mailing address are listed here on the hearing notice. The hearing referee and the other party must receive all documents before the hearing, preferably 24 hours in advance.

Notify IDDES if you need an interpreter. Call the 1-800 number on the notice upon your receipt of your notice or as soon thereafter as possible to inform IDDES of the language you need translated. If you are hearing impaired, call the same number. IDDES will also provide an interpreter for you and schedule the matter for an in-person hearing.

Know Your Case Docket Number. IDDES uses the docket number to keep track of your case, including your hearing and all subsequent IDDES Hearings. The number can be found here on your Notice of Hearing form.

Be present and on time for your hearing. It is extremely important to be prepared and waiting by the phone at the time the hearing begins. Sometimes the hearing that precedes your hearing may be a little prolonged and cause your hearing to be delayed. But it's important that you continue to wait by your phone for the hearing referee's call. If you are the appellant, or the one who filed the appeal, and you miss your starting time, the case will not be decided in your favor. If you are the respondent and miss your starting time, the case can go forward without you.

The date and time of your hearing appears on your Notice of Hearing. Make sure that you're by the phone, whose telephone number is listed on the Hearing Notice. If the listed telephone number is incorrect or if you will be at a different telephone number, call the toll free number on your hearing notice as soon as you know of the change and state the number where you can be reached. If your telephone number is missing from the notice or if you want to apply for a continuance, see the Preparing for Your Appeal Hearing brochure for instructions.

Avoid using a cell phone during your phone hearing. We strongly suggest that you use a regular land line phone to prevent dropped calls. If you do not have a regular phone, you may use a phone at a nearby IDDES office.

Stick to the facts of the case during the hearing. Emotions will only cloud the issue. It does not help your case to become emotional or to accuse the other side of lying.

Make a list of points you wish to make during your case as well as possible points the opposing party may make and how you will react to these statements.

We hope that the information we've provided will help you become better prepared for your appeal hearing. The more you're prepared with facts and evidence, the better you can make your case. If you need additional assistance, including free legal advice, you can refer to your Preparing for Your Appeal Hearing brochure for guidance, or call our office, using the 800 number found on your notice."