



COMMONWEALTH of VIRGINIA
Virginia Employment Commission

First Level Appeals, P.O. Box 26441, Richmond, Virginia 23261-6441
804-786-3020 · 800-552-4500 · FAX 804-786-8492

Notice of Appeal



A-FLA-001

SSN:
Docket:

An appeal has been filed from a Deputy's Decision concerning the claimant's unemployment claim. This appeal is dated <file date> and was filed by the <appellant type>.

A hearing in this matter will be scheduled, and you will receive formal notice of the date and time of that hearing. Reference the above docket number when contacting this office.

The hearing will be conducted by an impartial Appeals Examiner. The purpose of the hearing is to receive evidence from the parties with respect to the issues involved in the appeal. Each party will have the right to testify, present and question witnesses, and offer exhibits. The Appeals Examiner will administer oaths, control the hearing, and receive exhibits into the record. The law requires that the hearing be recorded by the Appeals Examiner. All testimony shall be given under oath or affirmation.

The claimant should note that eligibility to receive benefits is established on a week-to-week basis. It is important that the claimant continue to file weekly claims as directed while the appeal is pending to protect the continuing right to benefits. Failure to file claims promptly may result in the denial of benefits. If a claimant receives payments as a result of a decision that is ultimately reversed, repayment of benefits will be required.

This Notice of Appeal mailed on the <mail date>.

Clerk of the Commission

READ AND FOLLOW THE IMPORTANT INSTRUCTIONS ON REVERSE SIDE.

IMPORTANT – READ AND FOLLOW ALL OF THESE INSTRUCTIONS.

YOU SHOULD PARTICIPATE IN THE HEARING: This may be the only hearing at which you can give evidence. If there are further appeals, those appeals may only be a review of the evidence entered into the record at this hearing. If you do not participate in the hearing, the Appeals Examiner will decide the case on the available evidence.

REPRESENTATION: You may present your own case, or an attorney or some other person may represent you. You should attend the hearing even if you obtain representation. You must pay the fees of the lawyer/representative; however, any fees charged to the claimant must be approved by the Commission. Free legal services may be available by contacting Legal Aid at 866-534-5243. You may also obtain an attorney by contacting the Lawyer Referral Service of the Virginia State Bar at 800-552-7977. If you retain someone to represent you, inform the Clerk of the Commission immediately of that individual's name, address, and phone number.

WITNESSES/AFFIDAVITS: If you need a witness to testify on your behalf, you must arrange for the witness's appearance at the hearing. If a subpoena is necessary, immediately notify the Clerk of the Commission, and your request will be considered. You must provide the name and address of the person to be subpoenaed. If you and/or a witness cannot attend, you may submit an affidavit (a statement sworn to before a notary public) setting forth all relevant facts, preferably in chronological order. Affidavits may not have as much weight as sworn testimony during the hearing. Submit the affidavit in time to reach the Appeals Examiner and any opposing party no later than the day before the hearing. The failure of a witness to participate in the hearing may not be good cause for a postponement or continuance.

EVIDENCE: When you participate in the hearing, have with you everything needed to present your case. This could be, among other things, employer rules, letters, doctor's statements, check stubs, contracts, and time records. You must send copies of documents you plan to use during the hearing to the Clerk of the Commission and all opposing parties immediately.

INTERPRETERS: If you need an interpreter, immediately notify the Clerk of the Commission.

POSTPONEMENT: Postponements will only be granted for good cause where material and substantial harm is shown. If you must request a postponement, immediately notify the Clerk of the Commission at 804-786-3020 or 800-552-4500. If your request for a postponement is denied, a decision will be issued on the basis of the evidence and testimony from the hearing. If you do not hear that your request for postponement has been granted, you should appear for the hearing.

WITHDRAWAL: The party who filed the appeal may request to withdraw the appeal at any time. The request to withdraw must be in writing, signed by the appealing party, and submitted to the Clerk of the Commission.

MAILING ADDRESS: You must notify the Clerk of the Commission immediately of any change in your address. This will change your address for this appeal only. Filing a forwarding order with the U. S. Postal Service DOES NOT constitute proper notice to the Commission. If you miss a hearing or filing deadline solely because you did not directly notify the Commission of an address change, the hearing will not be rescheduled, and the filing deadline will not be extended.

**IF YOU NEED FURTHER INFORMATION AS TO THE PROCEDURE FOR THIS APPEAL,
CONTACT THE CLERK OF THE COMMISSION IMMEDIATELY AT:
First Level Appeals, P.O. Box 26441, Richmond, Virginia 23261-6441
804-786-3020 · 800-552-4500 · FAX 804-786-8492**

This Notice of Appeal was mailed this [date] to the following: