

# California Unemployment Insurance Appeals Board



## Office of Appeals Hearing Information

### PLEASE READ IMMEDIATELY

To see more information and a video that shows a hearing, go to our web site at:  
[www.cuiab.ca.gov](http://www.cuiab.ca.gov)

### Español al reverso

**GOVERNING PROCEDURE:** This pamphlet gives general information about hearing procedures. It is not the law. The governing procedure is in the rules of the California Unemployment Insurance Appeals Board, California Code of Regulations, Title 22, Sections 5000-5168. These rules are available on the Internet at <http://ccr.oal.ca.gov> by selecting the List of CCR Titles and from there selecting Title 22 Social Security, Division 1, Subdivision 2, Chapters 1, 2, and 3. A copy is also available from the Office of Appeals without charge.

#### WHEN AND WHERE IS THE HEARING?

The upper right-hand corner of your **Notice of Hearing** shows the date, time, and place of your hearing. Please read the box carefully. The box tells you to appear either in person or by phone.

- If the box tells you to appear in **person**, go to the place stated in the box. **Get there at least 15 minutes before your hearing time.** You will need that time to review the case file. If you would like to review the case file before the hearing date, contact the Office of Appeals at the phone number listed on your **Notice of Hearing**.
- **If the box tells you to appear by phone, follow the instructions in the box.** Please review all papers sent to you **before** the hearing begins.

#### SHOULD I APPEAR FOR THE HEARING?

Yes. If you do not appear for the hearing:

- The judge will usually dismiss the appeal if you are the party who filed the appeal.
- The judge will usually hold the hearing without you if another party filed the appeal.

#### CAN THE HEARING DATE OR TIME BE CHANGED?

Not usually. You must give a good reason for a change. Call the Office of Appeals right away to make your request. The phone number is listed on your **Notice of Hearing**. If you do not call before the hearing to change the date or time of the hearing, your failure to call may count against you later if a judge must decide whether you had a good reason for not appearing at the hearing.

#### WHAT IF MY REQUEST TO CHANGE THE DATE OR TIME OF THE HEARING IS DENIED?

If you, your representative, or an important witness cannot appear for the hearing and your request to change the hearing date or time has been denied, you can do the following:

**1. Ask to appear by phone.** Call the Office of Appeals right away to make that request. You will need to give a good reason for the request.  
**Warning:** The main risks in changing to an appearance by phone are that you may not have time to send your papers to the judge before the hearing and you may not be able to see the papers in the case file before or during the hearing.

**2. Appear by a written declaration or a written statement.** A written *declaration* is your side of the story in writing that ends with this sentence: "I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct." A written *statement* is your side of the story in writing that does not include the declaration under penalty of perjury. A written statement has less weight as evidence than a written declaration. A written declaration or statement must be signed, dated, and received by the judge before the hearing. **Warning:** There are three risks in appearing by written declarations or statements:

- Written declarations or statements are generally given less weight as evidence than what is said under oath at the hearing by those persons who appear in person or by phone.
- It is often hard to know how much information should be put in a written declaration or statement.
- If you appear by a written declaration or statement, you cannot later ask to have the case reopened for another hearing.

**3. Do not appear for the hearing in any way, wait for the judge's decision, and then ask to have the case reopened for another hearing. Your written request for reopening must state a good reason for not appearing at the hearing.**

A judge will decide if you have a good reason for reopening the case. **Warning:** The risk in not appearing at the hearing is that a judge may decide that you do not have a good reason for reopening the case and you will not get a hearing on the appeal.

#### WHAT WILL HAPPEN AT THE HEARING?

- At the hearing the judge will record the hearing, explain the hearing process, question parties and witnesses under oath, and receive papers and other exhibits.
- At the hearing each party can present necessary witnesses and exhibits, testify about the important facts of the case, question parties and witnesses, respond to evidence presented by others, and make closing comments.

#### SHOULD I BRING WITNESSES TO THE HEARING?

Yes. Present any witnesses who support your case. Eyewitnesses are best. The judge will decide which witnesses will be allowed to testify. If a witness cannot appear in person, you may request to have that witness testify by phone. You will need to give a good reason for the request. Call the Office of Appeals at the number listed on your **Notice of Hearing** to make that request.

#### WHAT IF A WITNESS DOES NOT WANT TO APPEAR FOR THE HEARING?

Call the Office of Appeals right away at the phone number listed on your **Notice of Hearing** to request that one of the following papers be sent:

- **Notice to Attend.** A request to attend the hearing that we will mail to your witness.
- **Subpoena.** A legal order requiring the witness to appear for the hearing. We will send the subpoena to you. It will be your responsibility to have the subpoena handed to the witness.

You may present a written declaration or statement from a witness who does not appear for the hearing.

#### SHOULD I GIVE PAPERS TO THE JUDGE FOR THE HEARING?

Yes. If you are scheduled to appear in **person**, bring any papers that support your case. These should include any important information such as letters, doctor's notes, or pay records. Bring three copies, if you can. The judge will keep one copy of the papers as evidence in the case file.

**Important:** If you are scheduled to appear **by phone**, there is a deadline for sending your papers to the judge before the hearing. That deadline is listed on your **Notice of Hearing**.

#### WHAT IF I DO NOT HAVE THE PAPERS?

If someone else has a paper you need, ask that person for a copy. If that person will not give you a copy, call the Office of Appeals right away at the phone number listed on your **Notice of Hearing** and request that one of the following papers be sent:

- **Notice to Produce.** A request to produce the paper for the hearing that we will mail to the person with the paper.
- **Subpoena Duces Tecum.** A legal order requiring the person to produce the paper for the hearing. We will send the subpoena to you. It will be your responsibility to have the subpoena handed to the person with the paper.

### ADDITIONAL QUESTIONS AND ANSWERS

#### WHY DID I RECEIVE THE NOTICE OF HEARING?

The Employment Development department (EDD) made a determination about benefits, a party appealed EDD's determination, and you are a party to the case.

#### DO I NEED A LAWYER?

The hearing process is designed for you to represent yourself at the hearing without the need for a lawyer. Most people represent themselves at these hearings. You have the right to be represented at the hearing by a lawyer or any other person at your own expense.

#### WHAT IF I NEED AN INTERPRETER?

The **Notice of Hearing** will tell you if an interpreter will be provided. If it does not, call the Office of Appeals right away at the phone number listed on your **Notice of Hearing** and ask for an interpreter. We will get and pay for an interpreter.

#### WHAT IF I NEED SPECIAL ACCOMMODATIONS?

Call the Office of Appeals right away at the phone number listed on your **Notice of Hearing** to request special accommodations, such as assistive listening devices or wheelchair accessibility.

#### WHAT IF I MOVED?

Call the Office of Appeals right away at the phone number listed on your **Notice of Hearing**. **Claimants** must also contact EDD by completing the change of address portion of the continued claim form, going to [www.edd.ca.gov](http://www.edd.ca.gov) and following the links, or calling one of the following numbers:

Unemployment Insurance	800-300-5616	TTY (800) 815-9387
Disability Insurance	800-480-3287	TTY (800) 563-2441
Paid Family Leave	877-238-4373	TTY (800) 445-1312

EDD provides telephone services in English, Spanish, Cantonese, Mandarin, Vietnamese and TTY (Non Voice).

**Employers** must also contact EDD by going to [www.edd.ca.gov](http://www.edd.ca.gov) and following the links or calling 888-745-3886.

#### WHAT IF I HAVE EVIDENCE THAT IS ELECTRONICALLY STORED?

If evidence that you want to present is recorded on a computer, camera, cell phone, DVD or other device and cannot be easily printed, call the Office of Appeals right away at the number listed on your **Notice of Hearing** for instructions on how to present that evidence.

#### WHAT IF I WANT TO CANCEL THE APPEAL?

If you filed the appeal, you may ask to cancel it. This is called a request to withdraw. You may withdraw by contacting the Office of Appeals, at the phone number or address listed on your **Notice of Hearing**.

#### WHEN WILL I GET THE JUDGE'S DECISION?

The Office of Appeals will mail the judge's decision to you after the hearing date. It may take several weeks to prepare the decision.

#### WHAT IF I MISSED THE HEARING?

You may, in writing, request reopening of the case and a new hearing. Your letter requesting reopening of the case must explain why you did not appear for your hearing. Reopening will be allowed only if a judge decides that you had a good reason for not appearing for your hearing.

