

SECTION 7 PREPARING FOR THE HEARING

A. LOOK CAREFULLY AT THE NOTICE OF HEARING

Roughly ten days prior to your hearing before an Administrative Law Judge, you will receive a Notice of Hearing in the mail. This notice will contain important details on the *who, what, when, where and why* regarding your hearing. The **potential issues** that will be addressed at the hearing will be listed on the front of the notice, as well as the judge's name and the location of the hearing. The back of the notice will provide other important information regarding how to obtain an Advocate (also see Section 7B below), interpreter, and other suggestions. It is important that you notify the judge immediately if you need a **translator or any other accommodation**.

If you cannot attend the date that is listed on the hearing, you must submit a written request for a new hearing date to the judge's office and give the reason you are unable to attend. **Telephone hearings** may also be available in certain circumstances and are sometimes required when the parties are located far from the hearing location. Your Notice of Hearing will specify whether the hearing is to be a telephone hearing. If you feel you need to participate by phone, you should contact the judge's office to make a request.

B. GET HELP

When appealing a denial, you have the right to an attorney or an independent advocate. Independent advocates provide their service at no cost to you through the Advocacy Program operated by the UIA (see "Appointed Advocates" below). The UIA provides information on locating an advocate in your area.

If you are a member of a union, or were until you lost your job, contact your union representative as they may be able to provide help as well.

Appointed Advocates

Independent advocates are available through the UIA Advocacy Program to provide no-cost assistance and representation to unemployed workers and employers. All UIA Advocates have passed a comprehensive examination regarding their knowledge of unemployment insurance law and the procedures required in presenting a case.

To obtain the assistance of an advocate, you must file your appeal within 30 days of the date stamped or written on the UIA's Redetermination with the State Office of Administrative Hearings and Rules before calling the **Advocacy Program at 1-800-638-3994** (choose menu item #2), or 313-456-2314. You can call between 8:00 a.m. and 5:00 p.m., Monday through Friday. You should call as soon as you receive your Notice of Hearing.

Assistance cannot be provided to you if only one business day remains before the scheduled hearing date. Failure to obtain an advocate is not a sufficient reason for an ALJ to grant you an adjournment (postponement) of the hearing. Information is available for anyone who requests information from the Advocacy Program. An advocate will give his or her advice and opinion (known as "consultation") to you on any issue, as long as the issues do not involve labor disputes, TRA cases (cases under the Trade Adjustment Act of 1994, as amended), or certain other claims.

Other Resources

The Advocacy Program does NOT provide advocates for certain types of hearings. The Advocacy Program also does not cover advice at the pre-hearing Determination and Redetermination level or for further appeals to the Board of Review, circuit court, and beyond. For those issues, you should contact a private attorney or one of the following non-profit organizations:

- **Sugar Law Center for Economic and Social Justice**

www.sugarlaw.org

4605 Cass Avenue, Detroit, MI 48201

Phone: 313.993-4505 Fax: 313.887.8470

• **Michigan Unemployment Insurance Project**

www.miui.org

4750 Woodward Ave., Suite 308, Detroit, MI 48201

Phone: 313.833.1811 Fax: 734.388.8764

3131 S. State, Suite 302, Ann Arbor, MI 48108

Phone: 734.274.4331 Fax: 734.388.8764

C. OBTAIN WITNESSES

It is important to anticipate whether or not you will use witnesses to support your case. Witnesses include anyone with firsthand knowledge of the circumstances surrounding your job separation. Witnesses are especially important because you cannot rely on “hearsay” at the hearing (see Section 8B for more on hearsay). You or your advocate/attorney should contact these individuals to see if they would be willing to testify on your behalf. If a witness is not willing to testify at the hearing voluntarily, they can be **subpoenaed**. Witnesses can also **participate by phone** with permission from the judge. Prior to the hearing, you or your advocate/attorney should consider all the questions that you will ask each witness that will be called by you or the other side.

D. DOCUMENTARY EVIDENCE

Beyond using witnesses to support your case, it is also important to assemble documents, papers, records, emails, or any other type of evidence that may be relevant to the issues that are listed on the Notice of Hearing. Bring them to the hearing and the judge will rule on whether or not they will be admitted as evidence. If you are scheduled for a telephone hearing, you must send any papers or records that you wish to present to the judge *and* the other party **at least three days before the hearing date**.

If you would like a copy of all the information that the Unemployment Insurance Agency and the judge may have obtained throughout the course of your filing, you or your advocate/attorney should request your “Media File” by faxing a written request to (313) 456-2316. Include in your request a number where you can receive faxes. You may also be able to request the documentation of your claim from the judge. Your media file should include any paperwork that your employer sent in when the Agency was doing its fact-finding. This will help you anticipate what their side of the story will be.

E. REVIEW QUESTIONS AND STRATEGY WITH YOUR ADVOCATE/ATTORNEY

Prior to your hearing, you should meet with your advocate/attorney to go over the questions that they plan on asking you at the hearing and to discuss the best overall strategy is in framing your case for the judge. They should also be able to tell you more about the legal standard applicable to the issues involved at the hearing as well as how cases similar to yours have come out in the past (*also see Sections 3-6 above*). It is important to have these cases and legal standards in your mind during your preparations and testimony so that you are better able to emphasize similarities between your case and any previous similar case that was decided in favor of the worker. If there is a similar previous case that was not decided in favor of the worker, think about any important ways your case is different and emphasize those differences when telling your side of the story.

One other important preparation is to consider what you or your advocate, if you have one, will say in an opening or closing statement if the judge allows for one.