



HAWAII WORKERS CENTER

HOW TO DEAL WITH UNEMPLOYMENT INSURANCE CLAIMS & DENIALS

Unemployed workers including COFA migrants are encountering difficulties and problems on their unemployment insurance claims. The training aims to discuss this issue and provide participants the knowledge to help the workers in dealing with this issue.

The information provided in this presentation and materials are for legal information only and is not intended to replace legal advice. Each situation is different and you may want to consult a private attorney about your case.

Who Qualifies?

Department of Labor & Industrial Relations: Unemployment Insurance Division

<https://labor.hawaii.gov/ui/>

“Unemployment benefits provide you with temporary income when you lose your job through no fault of your own. The money partly replaces your lost earnings and helps you pay expenses while looking for new work.”

- Workers who can legally work in the United States (lawful permanent residents, immigrants with employment authorizations documents, COFA migrants).
- Pandemic Unemployment Assistance expands unemployment insurance benefits to independent contractors, free lancers, workers seeking part-time work, and workers who do not have enough work history.

Eligibility (Unemployment Insurance)

YES

- Covid-19 and/or the stay at home/work from home order caused my employer to shut down or lay-off people.
- I am still working, but my employer reduced my hours.
- I am self-employed or an independent contractor.
- I quit my job to care for my family member who is sick with covid-19.

NO

- I am not working, but my employer is still paying me.
- I am not working, but my employer is paying me sick and/or vacation leave.
- My workplace is closed, but am teleworking because of covid-19.

Eligibility

(Pandemic Unemployment Assistance)

- You are self-employed and have not earned any wages from any employer in the last 18 months; or
- You have been diagnosed with COVID-19 or are experiencing symptoms of COVID-19 and are seeking a medical diagnosis; or
- You are caring for a household member who has been diagnosed with COVID-19; or
- You are the primary caretaker of a child or other individual that is unable to attend school or other facility that is closed as a direct result of COVID-19; or
- You lack sufficient work history;
- You have exhausted all rights to regular UC or extended benefits;
- You were denied regular UC on the basis that you did not have enough wages or wages in two calendar years quarters; or
- You are a bona fide independent contractor that has not earned any wages from any employer in the last 18 months.
- <https://labor.hawaii.gov/covid-19-pandemic-unemployment-assistance-faqs/>

Denials & Appeals

- **Email:** dlir.ui.disqualified@hawaii.gov

This email address is for those who have received an email, letter, or other message (screenshot) that says that they are disqualified from UI. Individuals are to submit their full name, last four digits of their Social Security Number, telephone number (including area code), and a screenshot of their disqualification.

- **Call (833) 901-2275 or your local office.**
- **Keep a record of any communications with the office.**
- If you are denied benefits and disagree with the **“Notice of Decision on Unemployment Insurance Claim,”** you may request reconsideration and/or file an appeal to the Employment Security Appeals Referees’ Office (ESARO) within **10 calendar days** after the determination or redetermination was mailed to you.
- The appeal period may be extended to 30 calendar days for good cause by ESARO. If you file an appeal or request reconsideration, do not stop filing your claim certifications. File your appeal online at <http://uiclaims.hawaii.gov> or submit your appeal directly to ESARO.

Denials & Appeals

- Prepare and file a signed written statement. It is not necessary to write a detailed appeal or to have all of your evidence available in order to file the appeal. A short explanation is sufficient for the purposes of filing the appeal. Be sure to include your name, current address and telephone number, and if applicable, social security number in your appeal statement.
- File your appeal statement with the UI claims office or the Employment Security Appeals Referees Office (ESARO)*. Important: You must include a copy of the determination or notice when you file the appeal with the ESARO.
- When: Within the statutory time period stated on the determination or notice. You must file your appeal before the appeal period expires. If your appeal is not filed on time, you risk having your appeal dismissed and losing an opportunity to have a hearing on the merits of the case. If the postmarked date on the envelope does not match the mailing date shown on the determination/notice, you should retain the envelope for proof of the beginning date of the appeal period.

Denials & Appeals

- The UI local office will send documents that are relevant to the appeal to the ESARO to make up the appeal case file. **ESARO sets a hearing date and will send notice of the date, time, place of hearing, and the issue(s) to be heard to all the parties.** Fifteen (15) days notice is given which results in a hearing likely to be scheduled between 19 to 24 days after ESARO receives your appeal.
- The appeal will be decided on the information the UI Division provided for the **case file and all relevant testimony and evidence provided to the appeals officer at the hearing.** It is each parties' responsibility to present the evidence and testimony necessary to prove their case. The hearing before the appeals officer is the only chance you will have to tell your story. Unless you have good cause for not presenting evidence at the hearing, the appeals officer will not allow another hearing. Therefore, it is important that you prepare for the hearing.

Denials & Appeals

- Review the determination to understand how the claims examiner or auditor arrived at his/her ruling.
- Consider whether the facts are correct and complete. Make chronological notes about the factual events concerning the matter (issue) on appeal.
- Gather and make copies of papers that relate to the issue, i.e., pay statements, employment agreement, doctor's certificate, time cards, warning notices, company policy, etc. Be prepared to offer the document(s) as evidence at the hearing to prove a relevant matter in dispute. Decide if you need witnesses who have first hand knowledge about the events in question and arrange for them to participate in the hearing.

Appeals Hearing

- Hearings are recorded and conducted by an impartial appeals officer. The purpose of the hearing is to decide whether the UI determination about the claimant's benefit entitlement should be affirmed, reversed, or modified. The appeals officer will decide the case after considering the testimony of all witnesses and other evidence.
- The **hearing process is informal**, but there is an orderly procedure which the appeals officer will explain. If you have any questions at any time during the hearing, ask the appeals officer for assistance.
- Normally 30-60 minutes
- The appeals officer will mail a written decision to all parties as soon as possible. The decision will contain the appeals officer's findings, reasons and conclusions.
- If you do not agree, you can request to reopen within 30 days. If have new information, you must have good reason why it wasn't provided.

UNEMPLOYMENT SERVICES CONTACT INFORMATION

Backdate: dliir.ui.backdate@hawaii.gov

This email address is for those who would like to have their claim backdated. The backdate will be for their first week of less than full employment due to COVID-19. Individuals are to submit their full name, last four digits of their Social Security Number, telephone number (including area code), and the week that they would like their claim backdated to.

Language Access: dliir.ui.languageassistance@hawaii.gov

This email address is for those who would like to request language assistance from UI. Individuals are to submit their full name, telephone number (including area code), and the language that would like to receive interpretation services for. The interpretation services would be provided free of charge and via telephone.

UNEMPLOYMENT SERVICES CONTACT INFORMATION

HUI PASSWORD RESET: (833) 901-2272

UI GENERAL QUESTIONS: (833) 901-2275

CALL YOUR LOCAL UI OFFICE AT:

Oahu: (808) 586-8970

Hilo: (808) 974-4086

Kona: (808) 322-4822

Maui: (808) 984-8400

Kauai: (808) 274-3043

EMAIL YOUR LOCAL UI OFFICE AT:

Oahu: dlir.ui.oahu@hawaii.gov

Hilo: dlir.ui.hilo@hawaii.gov

Kona: dlir.ui.kona@hawaii.gov

Maui: dlir.ui.maui@hawaii.gov

Kauai: dlir.ui.kauai@hawaii.gov



MONDAY-FRIDAY

9:00 AM - 11:30 AM & 1:00 PM - 3:30 PM

808-536-4302 (OAHU)

1-800-499-4302 (NEIGHBOR ISLANDS)

RESOURCES AND INTERPRETERS AVAILABLE IN CHUUKESSE, MARSHALLESE, KOREAN, FILIPINO

www.legalaidhawaii.org

Facebook Live: Legal Aid Society of Hawaii

Court Self-Help Centers

Remote services are now available for the court self-help centers statewide. Please call the appropriate phone number on your island. Your call will be answered by an AmeriCorps Advocate who will connect you with the attorney.

Kona: The Kona Court Self-Help Center will provide legal help to the West Hawaii community on a pilot basis on Wednesdays (except holidays) from 11 a.m. to 1 p.m. Please call **808-437-7557**.

Hilo: The Hilo Court Self-Help Center will provide legal help to the East Hawaii community on a pilot basis Tuesdays and Friday (except holidays) from 11:15 a.m. to 12:45 p.m. Please call **808-746-5363**.

Honolulu: The Honolulu District Court Access to Justice Room will provide legal help to the Oahu community on a pilot basis Mondays, Wednesdays, and Fridays (except holidays) from 9 a.m. to 1 p.m. Please call **808-538-5629**.

Maui: The Maui Court Self-Help Center will provide legal help to the community on a pilot basis on Mondays and Thursdays (except holidays) from 10 a.m. to 1 p.m. Please call **808-707-7153**.

Kauai: The Kauai Court Self-Help Center will provide legal help to the Garden Island community on a pilot basis Mondays and Thursdays (except holidays) from 10 a.m. to noon. Please call **808-698-7552**.



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Questions?

<https://www.hawaiiworkerscenter.org/>

(503) 967-5377