



Top Tips for Unemployment Claimants

April 7, 2023

In the best of times, navigating the Unemployment Insurance (UI) claim and appeal process can be very confusing. However, with enduring delays and challenges from the pandemic, this confusing process can also be long and drawn out. Thus, whether you are newly applying for UI benefits, or appealing a Virginia Employment Commission (VEC) decision, the following tips may help you make your case, no matter how long the process takes.

Manage Your Mail

During the UI claim and appeal process, you may receive dozens of communications from the VEC. It is important that you closely read, respond to, and retain every communication.

Sign up for Informed Delivery

With [Informed Delivery](#), the U.S. Postal Service provides daily emails with previews of letters and packages that will soon arrive. Using Informed Delivery can give you an idea of when you will receive important VEC documents. It also might help you prove if you did not receive VEC documents or if you received them late.

Notify the VEC of Address Changes

Many notices from the VEC are time sensitive, so it is important to make sure VEC has your current address. If you have a pending appeal, you need to both notify First Level Appeals by emailing them at FirstLevelAppeals@vec.virginia.gov AND notify the VEC online or through the Customer Contact System.

Read and Retain EVERY Communication

It is critical to closely review each notice that you receive from the VEC. Some notices require a response **in as few as ten days** from the date the document was mailed. Additionally, VEC may issue decisions finding that a claimant was ineligible or unqualified for benefits a year or more after the claimant received the benefits. These decisions, which can result in claimants owing thousands of dollars to the VEC, **can become final in as few as 30 days**. Thus, read every communication closely. If you do not understand any part of a notice, reach out to the VEC. If you cannot reach the VEC then reach out to a [UI advocate or attorney](#).

Save Electronic Notices

If you have access to the Claimant Self Service System, you may receive notices online. Claimants report that some documents are only temporarily available in the portal. Thus, while these documents may also be mailed to you, it is still a good idea to save the electronic notices or at least take screenshots of them just in case.

The information in this handout is educational and should not be treated as legal advice.

Ensure You Are Entitled

File Your Weekly Claim EACH AND EVERY WEEK

This is a basic requirement for receiving unemployment insurance benefits. If something goes wrong, contact the VEC. Document the times and ways you tried to reach the VEC. This may be important for showing that you are entitled to the benefits for those weeks.

Retain Information About Your Former Employer

To qualify for UI benefits, you may be asked to explain or even prove how your prior job ended. For example, a claimant who voluntarily quit a job without good cause or who was discharged for misconduct connected with their work, is generally not eligible for Virginia UI benefits. Your employer's personnel manual, communications, or texts can be important for showing that you are entitled to benefits.

Retain *Old* Paystubs and W2's

Your prior earnings play a huge role in the UI claim process. **VEC uses your prior earnings to determine if you are eligible for benefits, the amount of your weekly benefit, and the number of weeks that you receive benefits.**

When looking at your prior earnings, VEC looks *way back*. For example, if you apply for UI benefits in April of 2023, VEC may look at your earnings as far back as January 2022. Thus, it can be helpful to locate your W2 and paystubs for *at least* the prior year.

VEC has a helpful Weekly Benefits Estimator [here](#). You can learn more about how benefits are calculated [here](#).

Aptly Appeal

Appeal Promptly

If you receive a Decision of Deputy finding that you are ineligible or unqualified for benefits, you only have **30 days** to *timely* appeal. If you disagree with the decision, DO NOT DELAY in appealing. If your appeal is filed late, you may be asked to provide good cause for why the appeal was late.

Appeal in the Best Method Available to You

There are many ways to appeal.

- If you can access the online system, your best option is to appeal online. Take a screenshot or picture of the confirmation number and date that your appeal was filed.
- If you file an appeal by mail, do so by registered or certified mail (if possible), or obtain a receipt from the Post Office showing the mailing date.
- Filing by fax is not recommended, as many claimants have reported problems with the VEC's fax system. However, if you file by fax make sure to retain the fax receipt. Document any issues you have in faxing.

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Prepare While You Wait

After you file your appeal, it may take several months for your appeal hearing to take place. However, **VEC only must provide ten days' notice of when the hearing is scheduled.** Thus, your wait may be long, but if you wait until the hearing is scheduled to prepare your appeal then you may be short on time.

Instead, **prepare like your appeal is tomorrow.** Write down why you appealed the Decision of Deputy. What do you think the Deputy got wrong? How can you explain or show the Appeals Examiner that the Decision of Deputy was wrong? Remember that your appeal hearing is **ONLY** about the specific issue(s) that you contested.

Look out for a Notice of Appeal. This document verifies the date that your appeal was filed. Double-check this against the final date of appeal in the top right of your Decision of Deputy. If your appeal filing date is *later* than the final appeal date, then you will likely need to prove at the hearing that you timely filed or that you filed late for good cause. Gather this proof as soon as possible.

Look out for a Notice of Hearing. This document indicates the date and block of time in which your appeal hearing was scheduled. Once you receive this notice, do the following:

- If you want an advocate or attorney to represent you, reach out to them **IMMEDIATELY.**
- Register your phone number with the VEC online or by phone.
 - Make sure to record your confirmation number.
- Make plans to ensure you are available without interruption for the full three-hour time block.
 - The commission has reported that as many as 50% of claimants do not attend their hearing.
 - The hearing can only be delayed to a later date in extreme cases.
- Submit any evidence to FirstLevelAppeals@vec.virginia.gov *at least two business days* before the hearing.

Prepare For Another Wait

It may be a few weeks after your hearing until the Appeals Examiner issues a decision. If that decision results in you being owed benefits, it may again be several weeks until you are paid out for those amounts.

Ask an Advocate

Throughout your claim for unemployment benefits, there may be times when an advocate or attorney can help you understand and/or protect your rights.

- Find your local Legal Aid [online](#) or call 1-866-LEGLAID.
- Access the Virginia Lawyer Referral Service [here](#).

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