



**North Carolina Department of Commerce
Division of Employment Security
Unemployment Insurance**



This is a sample of a Notice of Hearing by Telephone. It will inform you when the hearing will be conducted, who is conducting the hearing, and the issues that will be discussed.

IN THE MATTER OF:

APPEALS DECISION NO. VII-A-04084

FRANK DOE
888 North 10th Street
Siler City, NC 27344

EMPLOYER
123 anywhere street
Anywhere, NC 12345

(XXX)XXX-XXXX

(XXX)XXX-XXXX

Claimant: (First) (Last)

On (DATE), THE <CLAIMANT/EMPLOYER> FILED AN APPEAL FROM THE DETERMINATION BY ADJUDICATOR, (NAME) DOCKET NUMBER #####. THE APPEALS REFEREE WILL CONDUCT A TELEPHONE EVIDENTIARY HEARING AND MAKE A DECISION ON THE ISSUE(S) SHOWN BELOW. IF THE ISSUE(S) SHOWN IS DIFFERENT FROM THE ISSUE(S) DECIDED BY THE ADJUDICATOR, YOU MAY OBJECT AT THE HEARING, AND THE APPEALS REFEREE WILL NOT HEAR EVIDENCE AND DECIDE ANY ISSUE(S) TO WHICH YOU HAVE OBJECTED WITHOUT FURTHER WRITTEN NOTICE OR WAIVER OF FURTHER WRITTEN NOTICE BY YOU AT THE HEARING. THE PARTIES WILL BE CONTACTED AT THE TELEPHONE NUMBERS SHOWN ABOVE UNLESS THE ENCLOSED QUESTIONNAIRE IS RETURNED PROVIDING A DIFFERENT TELEPHONE NUMBER.

HEARING DATE: (DAY, DATE: MONTH DATE YEAR)
HEARING TIME: (HH:MM AM/PM EST/EDT) FOR (##) MINUTES.
APPEALS REFEREE: (NAME)
TELEPHONE: (XXX) XXX-XXXX FAX (XXX) XXX-XXXX

HEARING ISSUE(S):

WHETHER THE CLAIMANT:

<p>Text box 1-4000 CHARACTERS</p> <p>LA- 1. <i>These are the issues that will be discussed at the hearing.</i></p> <p>2.</p> <p>3.</p>



North Carolina Department of Commerce
Division of Employment Security
Unemployment Insurance



Date Mailed : MM/DD/YYYY

NOTICE OF HEARING BY TELEPHONE

Please review the how to appeal an initial determination and participate in the hearing pamphlet which was previously mailed to you copies of the pamphlet and answers to frequently asked questions FAQs are available on the [DES Website at www.ncesc.com](http://www.ncesc.com).

IMPORTANT: Be ready for your hearing. The Appeals Referee will call you to begin the hearing. If you are late for a telephone hearing, you may not be able to join the hearing after the hearing begins. If the Appeals Referee is unable to reach the appealing party by phone within 10 minutes from the start time of the hearing the appeal may be dismissed. If the Appeals Referee is unable to reach a non-appealing party within 10 minutes from the start time of the hearing, the hearing may proceed without them. You are responsible for making sure the Appeals Referee has the correct telephone number for you and your witnesses. NOTE: If you are using a mobile or cellular telephone for your hearing, it is your responsibility to make sure that your phone is working and that you are in an area with clear signal reception. If you are using a landline, it is your responsibility to make sure that your telephone is working and the line is not in use.

FAILURE TO PARTICIPATE IN THE HEARING AS A RESULT OF PROBLEMS WITH YOUR TELEPHONE OR YOUR TELEPHONE NUMBERS MAY RESULT IN YOUR EVIDENCE NOT BEING CONSIDERED OR THE DISMISSAL OF YOUR APPEAL.

HOW TO GIVE EVIDENCE: Sworn testimony is required. If you want witnesses to testify, they must do so at the hearing. If you have documents, electronic recordings or other evidence that you want considered by the hearing official, you must mail or deliver them to the hearing official and to each party. The evidence must be received before the hearing.

DRUG AND/OR ALCOHOL-RELATED SEPARATIONS: There must be evidence to prove or disprove any test and its results. Evidence should also include work rules and/or policies. In North Carolina, the Controlled Substance Examination Regulation Act, N.C.G.S. 95-230 et seq., requires that tests comply with its procedural requirements, unless the test was administered by the U.S. Department of Transportation or Nuclear Regulatory Commission. Instead of live testimony from a laboratory representative at a contested claims hearing, an affidavit from the labs authorized representative may be presented to prove controlled substance examination

Help us prevent UI Fraud by responding timely and accurately to requests for information



**North Carolina Department of Commerce
Division of Employment Security
Unemployment Insurance**



results, chain of custody and/or compliance with all testing and retesting required by federal or state law. Test results may be deemed approved if the claimant admits or stipulates to them during the hearing or by affidavit. Any documents submitted to the hearing official must also have been provided to the other party before the hearing. If you have questions, contact the Chief Appeals Referee.

POSTPONEMENTS: Any request for changing the date, time, or location of the hearing must be made to the appeals referee.

IN-PERSON HEARINGS: You have the right to object to a telephone hearing and request an in-person hearing. Any such request must be made to the appeals referee.

LEGAL REPRESENTATION: Any claimant or employer may file their own appeal and represent themselves (pro se) throughout the administrative appeals process, or may have a legal representative file an appeal and represent them. Legal representatives should be obtained prior to any administrative hearing or review. A legal representative (including individuals from a third-party company serving as an employer's unemployment insurance administrator) must be a licensed attorney, or a person supervised by a licensed attorney in accordance with the N.C. G. S. Chapter 84 and section 96-17 (b). Notices and/or certification of attorney supervision must be in writing.

SUBPOENAS: The Appeals Referee may issue subpoenas for witnesses and documents that are relevant to the hearing. Make the request as soon as possible, so the subpoena can be served before the hearing. Legal representatives may issue subpoenas at their own expense and discretion.

Contact: NC Department of Commerce, Division of Employment Security, Appeals Section, PO
Box 25903, Raleigh, NC 27611-50 903

Facsimile: (919) 733-1228 *phone: (919)707-1060* des.public.appeals@nccommerce.com

If you write or call about your case, please give the claimant's full name, the last four digits of the claimant's Social Security number and the Appeals Docket number.

Help us prevent UI Fraud by responding timely and accurately to requests for information