



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

DATE]

[Company Name]
[Company Address]

[Acct No:]

The Division of Employment Security (DES) has completed a review of your protest of the Adequacy Threshold Determination. Under GS 96-11.4, an employer's account may not be relieved of charges relating to benefits paid erroneously from the Unemployment Insurance Fund if the Division determines that both of the following apply:

1. The erroneous payment was made because the employer or the agent of the employer was at fault for failing to respond timely or adequately to a written request from the Division for information relating to the claim for unemployment compensation. An erroneous payment is one that would not have been made but for the failure of the employer or the employer's agent to respond to the Division's request for information related to that claim.
2. The employer or agent has a pattern of failing to respond timely or adequately to requests from the Division for information relating to claims for unemployment compensation. In determining whether the employer or agent has a pattern of failing to respond timely or adequately, the Division must consider the number of documented instances of that employer's or agent's failures to respond in relation to the total requests made to that employer or agent. An employer or agent may not be determined to have a pattern of failing to respond timely or adequately if the number of failures during the year prior to the request is fewer than two or less than two percent (2%), whichever is greater of the total requests made to that employer or agent.

In rendering this determination, the Division considered: (1) the written protest filed by you or your third party and any attachments thereto, (2) the timeliness or adequacy of each employer response, (3) the number of non-responses, and (4) the number of documented instances of you or your third party's failure to respond timely, adequately, or at all in relation to the total requests made to you or your third party during the reporting cycle.

[Approved]

After completing a review of the protest, it was determined that you or your third party did not establish a pattern of failing to respond timely or adequately to requests for separation information during the reporting cycle. Specifically, the initial classification of the request(s) detailed below as inadequate or untimely has been revised. As a result, the protest was granted.

Claimant Name	SSN	Revised Response
Doe, A.	xxx-xx-xxxx	Adequate
Doe, B.	xxx-xx-xxxx	Adequate
Doe, C.	xxx-xx-xxxx	Timely

[Denied]

After completing a review of the protest, it was determined that you or your third party still established a pattern of failing to respond timely or adequately to requests for separation information during the reporting cycle. Specifically, the initial classification of the request(s) detailed below as inadequate or untimely stands. As a result, the protest was denied.

Claimant Name	SSN	Response
Doe, D.	xxx-xx-xxxx	Inadequate
Doe, E.	xxx-xx-xxxx	Inadequate
Doe, F.	xxx-xx-xxxx	Untimely

[Denied Untimely]

After completing a review of the protest, it was determined that the protest was filed untimely. As a result, the protest was denied.

This determination constitutes the final decision of the Division with no further right of appeal unless and until an Adequacy Penalty Determination is subsequently issued at the conclusion of each charging cycle.

Help us prevent UI Fraud!

Report Suspected UI Fraud online at des.nc.gov

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