

Who May Appeal?

Either a claimant or an employer may appeal any decision made by this Department regarding a claim. When a Notice of Appeal is filed, a hearing before an appeals hearing officer will be scheduled, and both parties will be notified and may participate. Hearings are informal, but held in a structured manner according to the rules of the Administrative Procedures Act. Both parties will be given all assistance possible to help them understand the proceedings and to present their cases.



How To Appeal

A letter or notice of appeal must be filed within 15 calendar days of the mailing date of the decision. Otherwise, by law, that decision will become final.

A request for an appeals hearing must be in writing. It may be on an official form available in the local Career Center, or on the Department's Web site, or it may simply be a letter stating that the party wishes to appeal, sent by mail or fax, to the Nashville central office or a nearby Career Center. The claimant's social security number must be included on all correspondence. The mailing address is

Appeals Tribunal
Dept of Labor and Workforce Development
220 French Landing Drive
Nashville, Tennessee 37243-1002

The fax number is (615)741-8933. On the Web site www.tennessee.gov/labor-wfd, select "File an Appeal - Information" and select "Forms." The claimant's social security number *must* be included on all correspondence.



When To Appeal

A letter or notice of appeal must be filed within 15 calendar days of the mailing date of the decision. Otherwise, by law, that decision will become final.

This appeals process is a part of the Employment Security Law, Title 50, Chapter 7, Section 101 through 714 of the Tennessee Code Annotated along with the Rules of the Tennessee Department of Labor and Workforce Development, 0800-09-01-.01 through 0800-11-04-.09.

Weekly Certifications

The claimant must continue to file weekly certifications during the appeals process. Should the Appeals Tribunal rule in the claimant's favor, the pending certifications will be processed for payment. If an employer files an appeal and the decision is overturned, an overpayment may result.

The TN Department of Labor and Workforce Development is committed to principals of equal opportunity, equal access, and affirmative action. Auxiliary aids and services are available upon request to individuals with disabilities.



Tennessee Department of Labor and Workforce Development. Authorization No. 337380. July 2011.

The Unemployment Insurance Appeals Process



www.tennessee.gov/labor-wfd

The Agency Decision

When a claim for unemployment benefits is filed that involves a separation issue, the separating employer is notified and given seven days to provide information to the claims office about the reason for the claimant's separation from employment. The employer's statements, if any, along with the forms completed by the claimant when the claim was filed and other pertinent documents are reviewed by an adjudicator. The adjudicator is a well-trained and experienced person who makes a decision on the claim based on all the available facts and the applicable Tennessee state law.

The Agency Decision is mailed to both the claimant and the employer. Either party who disagrees with that decision may appeal to the Appeals Tribunal by making a written request within 15 calendar days of the mailing date of the Agency's decision. See "How to Appeal" section for further information.



The Appeals Tribunal

After a request for appeal is received, the Appeals Tribunal mails the claimant and the employer a Notice of Hearing setting forth the time, date, and place of the hearing. The hearing may be in-person or by telephone.

Each party has the following rights:

1. To testify in his own behalf

All testimony is taken under oath and recorded.

2. To have witnesses testify

Witnesses should have firsthand knowledge of the issues involved.

If a witness will not attend a hearing voluntarily, the individual can be subpoenaed.

Requests for subpoenas must be made in writing to the Appeals Tribunal giving the name and address of the witness and a brief statement of why the witness is needed to testify.

Requests for subpoenas should be made at the time the appeal is filed or as soon as possible thereafter.

3. To present a document as evidence

Bring the original and two copies to the hearing. If the hearing is by telephone, send a copy to the other party and to the Appeals Tribunal. If a subpoena is needed to secure documentary evidence, the written request must specifically describe the document(s), why it is important, and where it is located.

4. To question opposing parties and witnesses

5. To examine all documents that are submitted as evidence in court

Requests should be made prior to the hearing.

6. To be represented by an attorney or other representative

Attorney fees are the responsibility of the party represented. If you cannot afford an attorney, free or low cost legal assistance may be available through your local Bar Association or Legal Services Organization.

A copy of the Appeals Tribunal's decision will be mailed to both parties. If you disagree with the Appeals Tribunal's decision, you have the right to appeal that decision in writing to the Office of Administrative Review at the Tennessee Department of Labor and Workforce Development, Legal Division, 220 French Landing Drive, Nashville, Tennessee 37243-1002, telephone number (615)741-2736 or fax number (615)741-0290. An appeal to the Office of Administrative Review may be filed by mail, fax, or in person. The appeal must be filed or postmarked within 15 calendar days of the mailing date of the Appeals Tribunal decision.

The Office of Administrative Review

When a notice of appeal is filed with the Office of Administrative Review a hearing is not automatically scheduled. All interested parties are given the opportunity to offer additional evidence; if the additional evidence is relevant to the issue under appeal, an additional hearing may be scheduled. All interested parties will be notified by mail of the time, date, and place of the hearing. Requests for subpoenas should conform to the same guidelines that apply to hearings before the Appeals Tribunal. If no additional evidence is to be presented, the Office of Administrative Review will review the evidence presented before the Appeals Tribunal. After considering all evidence, the Office of Administrative Review may agree with, change, or reverse the Appeals Tribunal decision. A written copy of the Office of Administrative Review decision will be mailed to all designated parties. Interested parties may be represented by an attorney, if they wish. Attorney fees are the responsibility of the party represented.



The Courts

If you choose to have the case reviewed beyond the Office of Administrative Review, you must file a petition against the Commissioner of Labor and Workforce Development in Chancery Court of the Tennessee county where you live. Out-of-state appellants may file in Davidson County Chancery Court. This will be a formal legal proceeding in Court, so it is advisable that the appellant consult an attorney at this point. He will then get a judicial review of the decision made by this department.

