

What Do I Do if My Unemployment Benefits Have Been Denied?

You must file your appeal within 10 calendar days of the mailing date listed on the determination notice. Follow the instructions on the notice to file the appeal at the local unemployment office, by mail, or by fax. Keep a copy of your appeal, as well as proof of the date that you sent it, such as a fax confirmation sheet or certified mail receipt.

It is very helpful to be represented by an attorney in your appeal. SCLS may be able to help.

If there is evidence that you do not have, you may ask for a subpoena (an order that the employer bring documents or witnesses to the hearing). The form to request a subpoena is available at <http://dew.sc.gov/>.

You must continue to file claims and looking for work while you wait for your hearing.

You will receive a notice for an Appeal Tribunal hearing. This is a trial with a hearing officer acting as judge.

The hearing may be in person or by telephone. It will be recorded. This is your only chance to explain your side of the story. You can bring witnesses and documents to prove your case. If you want the hearing officer to consider documents, you should show them to the hearing officer and provide a copy to the employer. For telephone hearings, you must send copies to the hearing officer and the employer before the hearing.

You have the right to ask questions of the employer's witnesses.

If the Appeal Tribunal rules against you, you have the right to appeal to the Appellate Panel. You must file your appeal within 10 calendar days of the mailing date listed on the Appeal Tribunal decision. Follow the instructions on the decision to file the appeal at the local unemployment office, by mail, or by fax.

The Appellate Panel is a group of three judges. They will review the testimony and evidence presented at the previous hearing but will not consider any new evidence.

Other Legal Representation

Consumer & Bankruptcy
Education
Employment
Family
Federal Income Tax
Housing
Migrant Farm Workers
Probate
Public Benefits

Additional information may be found at:

LawHelp.org/SC

South Carolina's guide to free legal resources

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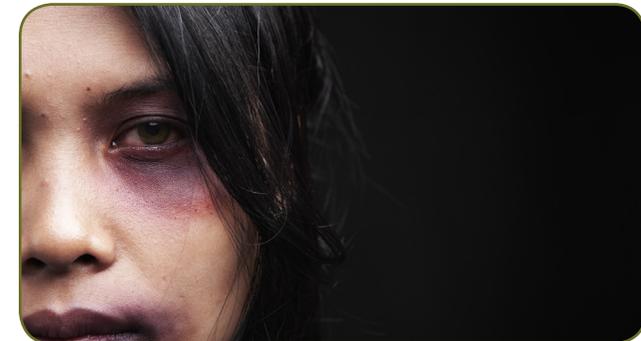
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**South Carolina
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Balancing the Scales of Justice

UNEMPLOYMENT BENEFITS FOR VICTIMS OF DOMESTIC VIOLENCE



Our Mission

South Carolina Legal Services is a statewide law firm that provides civil legal services to protect the rights and represent the interests of low-income South Carolinians.

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About Unemployment Benefits

To be eligible for unemployment benefits, you must have earned enough wages at your previous job, you must be able and available for work, and you must be actively seeking work.

Normally, you will lose benefits if you did something wrong that led to your firing (misconduct or discharge for cause), or if you voluntarily quit your job without a good reason connected with the job.

However, a special law provides additional protections for victims of domestic violence.



Protections for Victims of Domestic Violence

You may be eligible for benefits if you left a job voluntarily or were fired because of circumstances directly resulting from domestic abuse.

You must show that:

1. You reasonably fear future abuse at or on the way to the workplace;
2. You need to relocate to avoid future abuse; or
3. You reasonably believe that leaving work is necessary for your safety or the safety of your family.

You must provide the unemployment office proof of the abuse. This proof can include police or court records. It can also include documentation from a shelter worker, attorney, preacher, doctor, or other professional who has helped you.

You should give this proof to the unemployment office as soon as possible after you apply for benefits.

You should be prepared to explain that you tried to work with your employer to look for other options besides quitting or being fired, such as making changes to your work schedule or working from a different location.

Even if you provide proof of domestic violence, the unemployment office might still deny your claim. You have the right to appeal. The appeal must be filed within 10 calendar days of the mailing date listed on the determination notice.

Special Situations

You may also be eligible for benefits if one of these other special situations applies:

1. Your spouse was transferred to a new military assignment. You must provide the transfer orders and show that you left your job within 15 days of the scheduled relocation date.

2. You lost your job because of illness or disability of yourself or an immediate family member. You must provide proof that it was medically necessary for you to stop working and change jobs. You must also show that your employer would not provide you paid or unpaid leave for the time it would take to recover. You must currently be able to work to be eligible for benefits.

3. Your spouse has taken a job in another city or state. You must provide proof that your spouse's new job is outside of commuting distance.

Consult an attorney if you think you fall into one of these categories, as the law's requirements are very specific.

