

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.

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/>.

While you wait for your hearing you must continue to file claims and look for work.

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.

Additional information may be found at:
LawHelp.org/SC

South Carolina's guide to free legal resources

Other Legal Representation

Consumer & Bankruptcy

Education

Employment

Family

Federal Income Tax

Housing

Migrant Farm Workers

Probate

Public Benefits



**South Carolina
Legal Services**

Balancing the Scales of Justice

HAVE YOU BEEN DENIED UNEMPLOYMENT BENEFITS?

**UNEMPLOYMENT
BENEFITS
CLAIM
DENIED**

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.

For Free Services

1 (888) 346-5592

contactus@sclegal.org

www.sclegal.org / www.lawhelp.org/sc

www.probono.net/sc



This brochure was prepared by South Carolina Legal Services and is provided as a public service.

Copyright retained by South Carolina Legal Services

Printed May 2014



South Carolina
BAR FOUNDATION
Lawyers Sustaining Justice



Contact an attorney immediately to help you with your claim. SCLS may be able to provide you free legal help.

About Unemployment Benefits

To be eligible, 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.

What if I Was Fired?

You may still be eligible. However, you may lose benefits if your employer proves you were discharged for “misconduct” or “cause.”

Some examples of misconduct include fighting at work, stealing from your employer, knowingly breaking a reasonable company rule, or Testing positive for an illegal drug.

“Discharge for cause” means not meeting the employer’s expectations when you have the ability to do so.

Even if the employer claims you were discharged for misconduct or cause the employer must still prove it.

If you are found discharged for misconduct or cause you have the right to appeal.



What if I Quit?

Generally, if you quit your job, you are NOT eligible for unemployment benefits. However, there are exceptions. You may be eligible if you can show “good cause attributable to the employer.” This means that you quit because of something the employer did or failed to do which made it unreasonable for you to continue working for the employer.

Examples of “good cause” to quit:

- The employer significantly cuts your pay or changes your hours, and a reasonable person would quit rather than continue working.
- Working conditions which are so harsh that you must quit for health or safety reasons.
- You are being racially or sexually harassed.

You are expected to notify the employer before quitting to give the employer an opportunity to correct the problem.

What is NOT good cause: your car breaking down or your baby sitter canceling. These are considered personal problems.

You must show evidence to prove you had good cause to quit.

If you are found to have **voluntarily** quit without good cause, you have the right to appeal.

Special Situations

You may be eligible for benefits if:

Military transfer of spouse:

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.

Victim of domestic violence:

You are a victim of domestic violence and you reasonably believe that leaving work is necessary for your safety or the safety of your family. You must provide documentation of the abuse, such as court or police records, or a statement from a shelter worker, attorney, preacher, or doctor.

Illness or disability:

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.

Spouse’s employment:

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.