YOUR GUIDE TO UNEMPLOYMENT BENEFITS

Filing the claim
To receive unemployment benefits you must file a claim for benefits.

- Go to your local DWS (Department of Workforce Services) office and complete a claim form.
- File immediately since no benefit will be paid for any time before the filing of the claim.
- If you last worked in a state other than Arkansas you may still apply through your local DWS office. The claim is forwarded to the state where you last worked for processing.
- The amount you draw will be based on your earnings for the last 18 months. Twenty-six weeks is the longest you can draw unemployment benefits.
- On the form you will need to put the name and address of your last employer.
- You will state on the form whether you were laid off, quit or fired.
- You will give a brief explanation of the reason you are not working at your last job.
- You will be given cards that you must return to DWS office each week you claim unemployment benefits.
- By completing these cards you are telling DWS that you are still unemployed and available for work.
- No benefit can be paid for any week in which a card is not filed.

Disqualifying Conditions
“VOLUNTARY QUIT WITHOUT GOOD CAUSE”
If you quit your job, your reason for leaving must meet a three-part test to qualify for unemployment benefits.

1. Your reason for leaving would have made a reasonable person quit.
2. You must have quit in good faith.

If you quit because of mistreatment by your employer, you must have taken reasonable steps to prevent the treatment. For instance, you must have followed the grievance procedure if one existed at your old job.

You will not be disqualified if there was a personal emergency . . . for example if you had to stay home to tend a sick child or you yourself were sick, injured or unable to work. You must show that you took steps available to preserve your job such as requesting sick leave or extended leave if available.

3. You will be disqualified from receiving benefits if you were fired for misconduct in connection with the work. This misconduct must be intentional or deliberate.

MISCONDUCT
If you were fired for dishonesty, drinking on the job, reporting to work under the influence of intoxicants or willful violation of safety rules you will most likely be disqualified from receiving benefits.

Typically, misconduct involves disregard of the employer’s interest, violation of the employer’s rules or disregard of the employee’s duties and obligations.

If you are disqualified you may be delayed from drawing benefits for eight weeks or depending on the reason essentially altogether. Your notice should tell you.

Unemployment benefits were designed for people who are unemployed through no fault of their own. If you voluntarily quit work, were fired for misconduct or if you do not look for work you will not qualify for benefits.

Notice of Determination
One to three weeks after the claim is first filed, you will receive a computer generated letter stating whether you will be eligible for benefits.

Before the notice of determination is mailed, you may receive computer card notices advising you that decision is pending.

You must meet certain conditions

- Worked long enough in jobs covered by employment security act.
- Most all work is covered by unemployment wages however; wages earned in some businesses will not count toward unemployment.

One week waiting period
You will not draw a check for the first week after you file a claim. Once this waiting period has been served and DWS determines you are eligible, you will begin to receive a weekly benefit check by mail.

After claim is filed

- Your past employer is told about the benefits claim.
- Your past employer will be asked to give DWS their version of the reason you are no longer working there.
- ESD may ask you to come in to give more details of the reason for leaving your job.
- You should be sure to tell your story in a simple, direct way, stressing the facts most favorable to you.

Arkansas Legal Services Partnership
Center for Arkansas Legal Services & Legal Aid of Arkansas
1-800-9 LAW AID or www.arlegalservices.org
You will not receive a benefit check during the time the DWS decision is pending. You must continue to turn in claim forms each week.

The letter telling you whether or not you will receive benefits is very important. You have a 20-day time limit from the time this letter is sent to appeal their decision to the Appeal Tribunal. The notice also states the date on which it was mailed and explains how the decision can be appealed. The agency determination must be appealed within 20 days of the mailing date stated in the notice. The first level of appeal is to a hearing officer (appeals referee) of the Appeal Tribunal.

**Filing your Appeal:**
You may file your appeal by completing forms provided for this purpose at the local DWS office. You will be asked to state briefly why you disagree with the decision of DWS. Your old employer can appeal if DWS decides to give you benefits. The employer must file this appeal within the same 20-day limit. In about two weeks of filing the appeal, you should receive a Notice of Hearing.

**The notice of hearing** will tell you the time and place of the hearing. Your old employer will also receive notice of this hearing. Usually the hearing is scheduled about one week from the date of mailing of the notice. The notice also includes a brief statement of the main issue involved at the hearing. This statement usually contains the part of the law DWS used to reach their decision.

If you have an attorney, you should let the attorney know as soon as you receive this notice. Even if your attorney filed the appeal, ESD may have sent the hearing notice only to you. If you did not get enough notice to prepare for the hearing, an extension should be requested.

**Preparation for the hearing**
You will be told what issues DWS considered when they turned down your application for unemployment benefits. There may be more than one reason given for denying your unemployment benefits.

You must be prepared to give information at the hearing that shows how this decision was incorrect. Go to the DWS office and ask to see your file. In it will be your former employer’s explanation of why you left your job. You can ask any co-worker who knows the facts of your case to appear as a witness for you at this hearing. People who still work for your former employer may be reluctant to testify for you.

**You should not contact them at work concerning your case.**
Employers are prohibited from punishing employees who testify in unemployment compensation cases against them but your former co-workers may still not be willing to testify for you.

People who do not still work for your former employer can also testify if they know the facts concerning your case. You may use them to help support your claim.

You should know what your former employer will say is the reason you left your job. Your employer may use attendance records or other documents if this is an issue in your case. You should have any supporting documents ready for the hearing as well.

The appeals referee can issue subpoenas to make witnesses attend the hearing or to obtain company records for the hearing.

To obtain a subpoena you should make a written request at the Appeals Tribunal. You will be asked to serve it—take the subpoena to the person being subpoenaed.

A subpoena may be enough to convince a former co-worker to testify in your behalf. The co-worker can tell the employer that he was required to attend the hearing and testify to the facts. If the witness has been subpoenaed and does not show the appeals referee will probably grant you a continuance. If you do not subpoena a witness and the witness does not show up you will not be granted a continuance.

**At the hearing**
The appeals referee will ask the questions. You and your witnesses must be able to answer the questions without rambling or going off on something not related to your case. The referee’s role is to bring out all evidence that is relevant to the claim for unemployment compensation.

If you or your former employer fail to appear at the hearing the referee will question the party who is present and consider all the available evidence.

This hearing is not like others in a court of law. Heresy and leading questions may be allowed.

The hearing will be taped. Remember that gestures and nods do not show up on a tape recording. Be sure you and your witnesses speak clearly and slowly especially when testifying to important parts of your case.

If there is any evidence to support the decision of the appeals referee, his decision is not likely to be reversed by the Board of Review.
LOCAL DWS OFFICES:

Arkadelphia
502 s. Sixth Street, PO Box 620
Arkadelphia, AR 71923-0620
870-246-2481 Counties: Clark

Batesville
396 Barnett Drive, P.O. Box 2296
Batesville, AR 72501-8994
870-793-4156 Counties: Fulton, Independence, Izard, Sharp, Stone

Benton
400 Edison Avenue, P.O. Box 2470
Benton, AR 72018
501-776-2974 Counties: Saline

Blytheville
111 East Ash St., P.O. Box 1409
Blytheville, AR 72315-3415
870-762-2035 Counties: Mississippi

Camden
232 N. Adams Ave., P. O. Box 717
Camden, AR 71701-0717
870-836-5024 Counties: Calhoun, Dallas & Ouachita

Conway
1500 No. Museum Rd., Suite 111, P. O. Box 189
Conway, AR 72032
501-730-9897 or 501-730-994 Counties: Faulkner & Van Buren

El Dorado
523 East Sixth St., P. O. Box 2038
El Dorado, AR 71731-2038
870-862-6456 Counties: Union

Fayetteville
2143 West Martin Luther King Blvd, P. O. Box 1205
Fayetteville, AR 72703-1205
479-521-5730 Counties: Madison, Washington

Forrest City
300 Eldridge Road, Suite 2, P. O. Box 1059
Forrest City, AR 72336-1059
870-633-2900 or 870-633-4580 Counties: Cross, Lee, Monroe, Prairie and St. Francis

Fort Smith
616 Garrison Ave., Rm 101, P. O. Box 1987
 Ft. Smith, AR 72902-1987
479-783-0231 Counties: Crawford, Franklin, Logan & Sebastian

Harrison
818 North Highway 62-65, P. O. Box 280
Harrison, AR 72602-0280
870-741-8236 Counties: Boone, Carroll, Newton, and Searcy

Helena
301 Rightor St., P. O. Box 279
Helena, AR 72342-0279
870-338-7415 Counties: Phillips and Lee

Hope
700 S. Elm, P. O. Box 598
Hope, AR 71802
870-777-3421 Counties: Hempstead, Howard, Nevada, and Southern Pike

Hope Migrant Farm Labor Center
205 Smith Road, Suite A
Hope, AR 72801
870-777-5630 Counties: All

Hot Springs
2254 Albert Pike Rd, Suite A, P. O. Box 2278
Hot Springs, AR 71914-2278
501-525-3450 Counties: Garland, Montgomery and Pike County North

Jacksonville
#2 Crestview Plaza, P. O. Box 39
Jacksonville, AR 72078-0039
501-982-3835 Counties: Pulaski (north of the Arkansas River) and Lonoke

Little Rock
5401 South University, P. O. Box 4970
Little Rock, AR. 72214
501-682-8030 Counties: Pulaski (south of the Arkansas River)

Magnolia
203 N. Fredrick, P. O. Box 369
Magnolia, AR 71753-0369
870-234-8360 Counties: Columbia & Lafayette
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The information and statements of law in this fact sheet should not be considered legal advice. This fact sheet is provided as a broad guide to help you understand public benefit law matters are handled in general. Courts may interpret the law differently. Before you take action, talk to an attorney and follow his or her advice. **Always do what the court tells you to do.**