



Navigating Unemployment Hearings for Employers

March 13, 2025

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Today's Presenters



Steve Solovic
Senior Vice President, Operations



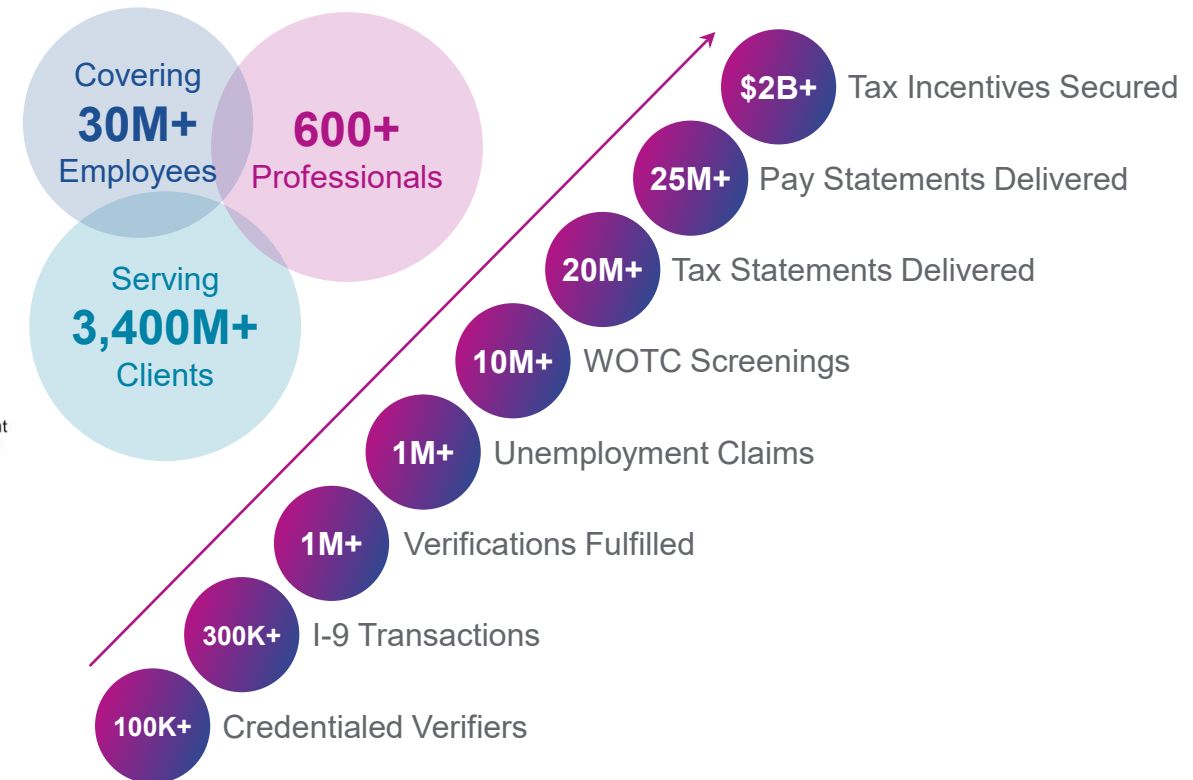
Wayne Rottger
Product Intelligence Manager

Industry Expertise

At Every Stage of Employment



Serve Employers, Serving Employees



Webinar Agenda

- Introductions
- Mock Hearing
- Q & A
- Wrap Up



Poll Question 1

What must the employer prove to win a hearing for a discharge termination?

- ☐ The claimant did not successfully perform their job
- ☐ There was willful or deliberate misconduct on the claimant's part
- ☐ The claimant did not like his supervisor
- ☐ All of the above



Unemployment Hearing

What to expect at an Unemployment Hearing?

- Hearings are usually scheduled with remote participation
- Employer should have all first-hand witnesses available to testify
- If there are documents to be presented, they should be copied and sent to the Administrative Law Judge (ALJ) and the claimant in advance of the hearing date
- The ALJ presides over the proceeding and tells the employer and the claimant when they can present testimony or cross-examine a witness
- Both the employer and the claimant have the right to a representative or attorney to help them present their case
- The hearing proceedings will be recorded
- After the hearing, the ALJ renders a decision based on all testimony offered during the proceedings.



During the Hearing

Presenting Your Best Case

- Be prepared and organized
- Write a timeline of events for reference
- Listen to the question being asked
- Answer the questions one at a time – don't try to provide all information at once
- Provide specific details without unnecessary information
- Allow the hearing Officer to complete their questions before attempting to answer
- Do not guess. If you don't know the answer, or don't recall, that is the answer
- Ask for clarification if you do not fully understand a question
- Do not interrupt during claimant's testimony
- Provide testimony in calm, cool, and collected manner
- Do not get drawn into a back and forth with the claimant



Introductions



Today's Cast of Characters

Claimant



Vikki Chaffin
Sr. Hearing Manager
25 years in industry

Employer Witness



Cathy Harvey
Hearing Coordinator
25 years in industry

Moderator



Wayne Rottger
Product Intelligence Manager
40 years in industry

Employer Representative



Jennifer McDonald
Hearing Representative
30 years in industry

Administrative Law Judge / Referee



Ajah Anderson
Hearing Coordinator
25 years in industry

Moderator



Steve Solovic
Senior Vice President Operations
15 years in industry

Mock Unemployment Hearing

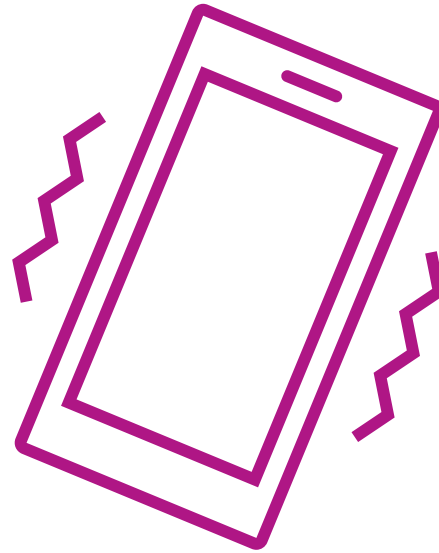


Mock Hearing Details

Basic information about the case today

- The termination issue today is **discharge** for excessive **absenteeism**
- The **employer** in this case is University of America
- The **claimant** was initially disqualified from receiving benefits, so they **appealed** the **determination**, which caused the hearing to be scheduled
- The hearing is taking place remotely via telephone





Let's listen in on the hearing

Presenting the Case

1

Each party will have opportunity to offer testimony and evidence to substantiate their case

3

Documentation could be key to winning or losing so be prepared to get it entered into record

5

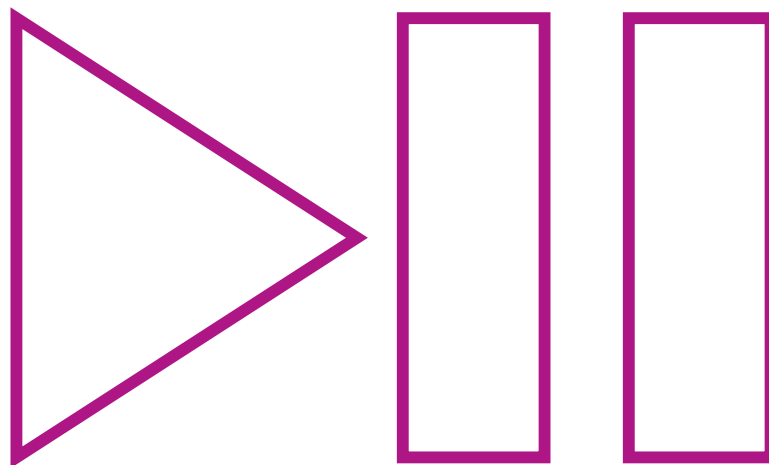
Stick to the facts, keep emotion out of testimony

2

May participate on your own or secure a representative or attorney to assist -- Some states require representatives to be licensed, practicing attorneys in their state

4

Each party may cross-examine the other so pay attention to claimant's testimony, and identify holes or inconsistencies on which you can later cross-examine them



Returning to the hearing

Employer Testimony

Key Points

- Define last incident leading to termination
- Correlate that incident to company policy violated
- Provide proof claimant was aware of the policy
- Submit documents into record to substantiate case



Elements of an Effective Warning

- Date of preparation & date of incident – the time between should be as short as possible
- State EXACTLY what was done wrong – be specific!
- Keep it short and simple but include the policy that was violated – attaching the policy is helpful
- Provide a plan for improvement in the future
- Explain and document what is going to occur should the behavior continue
- Allow the employee to provide a written response
- Have everyone sign and acknowledge that the warning was given



Poll Question 2

What might be considered good cause for being absent from work?

- ☐ Overslept
- ☐ No transportation
- ☐ Illness of self or minor child
- ☐ Forgot schedule





Returning to the hearing

Poll Question 3

Is it good practice to require employees to acknowledge receipt of company policy manual?

☐ Yes

☐ No





Returning to the hearing

Poll Question 4

Who do you think will win this case today?

- ☐ Employer
- ☐ Claimant



Key Take-aways

- Prepare in advance
- Have first-hand witnesses participate
- Send documents to enter into record to hearing officer and claimant, as indicated on hearing notice
- Remain calm during proceeding
- Be succinct and to the point



Questions?



Call To Action



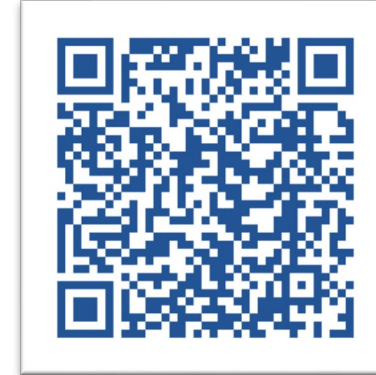
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