

## UNEMPLOYMENT COMPENSATION 411

I've just been fired, let go, downsized, forced to quit, or kept of the schedule for weeks, now what?

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### 1. Qualifying for Unemployment Compensation

- a. The Agency for Workforce Innovation (AWI) is responsible for unemployment claims in Florida. According to the AWI:

Two determinations must be made on a claim to determine eligibility. The first determination will advise the individual if you have had sufficient work and earnings in Florida to establish a monetarily eligible claim. A monetarily eligible claim does not necessarily mean that you are eligible to receive benefits. The second determination pertains to the separation from the last or possibly next to the last employer. The reason for separation from the last employer, possibly the next to the last employer and other eligibility requirements must be examined to determine if you are eligible to receive benefits. This second determination will not be issued until the claim is filed and the claimant has actually certified for weeks of unemployment.

[http://www.floridajobs.org/unemployment/uc\\_faqs\\_ans.htm#2](http://www.floridajobs.org/unemployment/uc_faqs_ans.htm#2)

- b. Once the first determination is met the AWI will evaluate the reason for your separation from your former employer. If you were terminated, the reason for termination will be a factor in receiving benefits. You may also qualify for benefits if you were forced to resign due to no fault of your own. These cases are tricky and you should not assume you will be given benefits. It is wise to consult with an attorney due to the various facts surrounding each individual case. If your employer does not contest your claim and the AWI approves your application then you should receive benefits.
- c. While you are waiting on a decision, and in fact even after a decision is made in your favor, you must certify every 2 weeks that you are actively seeking work, report any income earned, if any during that period, and certify that you have not turned down any job offers. You must do this in order to receive benefits.

### 2. Filing procedure and timeline

- a. You can apply for unemployment benefits via telephone, mail, or internet. [www.fluidnow.com](http://www.fluidnow.com) 1- 800-204-2418. If you are filing online remember to print out and save your application and confirmation number. The agency is overwhelmed with filings so make sure to save all of your documents. It may be wise to create a folder at home with all of your information just in case.

- b. When will I get my benefits? If you are approved by the agency and your employer does not contest your case, then you should receive benefits in three to four weeks.
  - c. Keep in mind that you do not receive benefits for the first week you file. Also, there is no back pay with unemployment. This means you cannot count any weeks before the date you file for benefits.
3. Denied benefits, now what?
- a. Appealing an initial denial
    - If you are denied benefits you can file an appeal online at [www.fluidnow.com/appeals](http://www.fluidnow.com/appeals), fax at (850) 921-3524, or by mail at the address below:  
Office of Appeals - MSC 347  
107 E Madison Street  
Tallahassee, FL 32399-4143  
Remember to include you docket number, your social security number, reason why you disagree with the decisions any evidence, subpoenas/witnesses, and your contact information. By the way, you are the Claimant in the case. That is how you will be referred to in documents pertaining to the case, so keep an eye out for that word! Also, it is best to apply online and again, print out a copy of your confirmation number and application.
  - b. Timeline
    - You have to file your appeal within 20 calendar days after the mailing date shown on the letter/determination from the AWI. Good luck trying to argue your way out of missing the deadline! Furthermore, the Appeals Referees (that is who will conduct the hearing over the phone) are busy conducting hearings all day, back to back, think about it, they certainly do not have time for unprepared and unorganized claimants. Make sure to keep that in mind during your hearing.
  - c. Hearing procedure
    - As I mentioned before, the hearing will be conducted over the phone. The AWI hearing officer/Referee will contact you at the number you provided them with when you filed your appeal. It is best to use a landline phone, as we all know our fancy cell phones decide not to work when we need them the most.
    - The hearing officer will swear both parties in and ask each side questions, allow each side to ask the other side questions, present evidence (this should be filed with the agency in advance), admit evidence to the record, question witnesses, and present a closing argument.
    - Do not be surprised if your employer has hired an outside agency/non-lawyer to represent their case. This is permitted.

- You can also ask for a continuance, even on the day of the hearing. It may or may not be granted depending on your reasoning.
  - You usually receive decisions from the AWI within days after the hearing, so make sure they have your correct address or your attorney's address on file.
4. Appeal denied, any hope after this?
- a. Administrative appeal
    - If you do not agree with the appeal decision, you have 20 calendar days after the decision was mailed to request review of the case by the Unemployment Appeals Commission(UAC). This does not involve another hearing. Just like a court trial, the decision will be based on the record of your appeals hearing. They will review the record for any errors or even mistakes made by the appeals referee in evaluating the evidence in your case. You should consult the agency for further information. You can file a request for review by fax to 850-488-2123, or online at <https://www.uac.fl.gov/Appeal.aspx>, or by mail to:  
  
Unemployment Appeals Commission  
Suite 101, Rhyne Building  
2740 Centerview Drive  
Tallahassee, FL 32399-4151
5. Yet another denial, is this my last chance?
- a. Appeal to the Federal District Court of Appeal which has jurisdiction over your case. (Melbourne: 5<sup>th</sup> DCA). You have sensitive time deadlines/statute of limitations on these cases, make sure to consult an attorney familiar with this area of law for further information.
  - b.
6. Important contact information
- a. Agency for Workforce Innovation [www.fluidnow.com](http://www.fluidnow.com)
  - b. EEOC <http://www.eeoc.gov/>
  - c. Florida Council on Human Relations <http://fchr.state.fl.us/>

\*This outline was created as a public service and in no way substitutes for advice from legal counsel with regards to your individual case and fact scenario. Laws are constantly changing, and this outline is not to be relied upon in lieu of advice from legal counsel. If you have specific questions with regards to filing for unemployment contact the Florida Agency for Workforce Innovation or an attorney who practices in this area of law.