

HOW HEARINGS ARE CONDUCTED

Introduction

Hearings with the Unemployment Compensation Review Commission (UCRC) are conducted by Hearing Officers who are licensed attorneys with the State of Ohio. The Hearing Officer will determine how the hearing will proceed based on the issues of the appeal and who filed the appeal (claimant or employer). The Hearing Officer will decide what documents and witnesses are relevant to the case (what information is needed and specific to the case), and the order of testimony (who goes first).

Types of Hearings

All hearings are initially scheduled by telephone unless an interested party requests an in-person hearing within ten (10) days of the mail date listed on the Notice that an Appeal has been Transferred to the Review Commission. Hearings are scheduled for 45 minutes or less depending on the issues to be heard.

NOTE: Hearings may go longer than 45 minutes if the Hearing Officer deems it necessary and the schedule allows. Some hearings requiring more time than originally scheduled may need to be continued at another date and time.

Telephone Hearings

Per your Hearing Notice, you will be instructed to call one of three listed numbers (determined by your location) **15 minutes before** your hearing is scheduled to begin. When you call, a UCRC representative will verify the date and time of your hearing and ask for the telephone number where you can be reached. The representative will also ask if you have any witnesses and document their names and telephone numbers. This information will be forwarded to the Hearing Officer assigned to your case and the Hearing Officer will connect all interested parties on a conference call at the scheduled time of your hearing.

NOTE: UCRC follows a 30 minute no call/no show dismissal policy for appellants. If you are the appealing party and do not call UCRC within the timeframe of 15 minutes before the scheduled start time up to 15 minutes after the scheduled start time of your telephone hearing, your appeal will be dismissed.

Example: Your hearing is scheduled to begin at 8:00 a.m.; you must call-in between 7:45 a.m. and 8:15 a.m. If you do not call in by 8:15 a.m., your appeal will be dismissed.

NOTE: If dismissed, your appeal could be delayed or canceled depending on the reason(s) you did not call-in on time.

See DISMISSAL OF APPEAL FOR FAILURE TO APPEAR for more information on dismissals.

Telephone Hearings continued

Have all documents previously submitted to ODJFS and UCRC with you when you call-in. Although you can reference any document that is part of the record, the Hearing Officer will determine what documents are relevant (needed) to make a decision on your case.

NOTE: Any documents which were previously submitted to ODJFS are part of the record before the hearing officer and need not be resubmitted. Any new documents submitted before the hearing and supplied to all interested parties and their representatives (when applicable) will normally be considered. To avoid any problems, submit all documents supporting your position to UCRC and to all other interested parties and their representatives (when applicable) before the hearing. Failure to send the documents to all parties may result in the documents not being considered.

In-Person Hearings

Per your Hearing Notice, you will be informed of the date, time and location of an in-person hearing. Give yourself ample time for travel, finding the location, and securing sufficient parking. It is important to be on time and to check-in with the Hearing Officer as soon as you arrive.

NOTE: UCRC follows a 30 minute no show dismissal policy for appellants. If you are the appealing party and do not show up within 30 minutes of the scheduled start time of your in-person hearing, your appeal will be dismissed.

Example: Your hearing is scheduled to begin at 8:00 a.m.; you must arrive no later than 8:30 a.m.

NOTE: If dismissed, your appeal could be delayed or canceled depending on the reason(s) you did not show up on time.

See DISMISSAL OF APPEAL FOR FAILURE TO APPEAR for more information on dismissals.

Bring all documents previously submitted to ODJFS and UCRC with you to the hearing. If you have documents you want the Hearing Officer to consider that were not previously submitted, bring at least three copies with you (a copy for yourself, the Hearing Officer, and the other party).

The Hearing Process

Although the process may vary slightly by Hearing Officer, the basic steps of conducting a hearing (telephone & in-person) are as follows:

- 1. Verification of parties & record of hearing** – Before starting the hearing, the Hearing Officer will make sure all relevant parties are present and inform everyone that the hearing will be recorded. After the recorder is activated, the hearing will begin.
- 2. Summary of the issues and parties** – The Hearing Officer will state for the record:
 - the redetermination number being appealed
 - who the interested parties are (name of claimant and/or employer)
 - who filed the appeal (name of the appellant)
 - the issues of the case (what will be covered during the hearing)
- 3. Hearing Officer instructions** – The Hearing Officer will explain how the hearing will proceed and give overall information on the hearing process. The Hearing Officer's instructions will include:
 - swearing-in of witnesses (applied to anyone giving testimony)
 - order of testimony (who goes first)
 - direct examination (right to present your case and question your witnesses)
 - cross-examination (right to question the other party's witnesses)
 - relevant witnesses (whose testimony is needed)
 - relevant documents (what documents may be considered in reaching a decision)
 - closing statements (explain that you may offer a brief summary of your position at the end of the hearing)
 - appeal rights (what you can do if you don't agree with the decision)
- 4. Swearing-in of witnesses** – The Hearing Officer will then swear-in all interested parties. Additional witnesses determined to be relevant (necessary) by the Hearing Officer will be sworn-in at the same time or prior to their testimony.
- 5. Initial questioning/fact-finding** – Most Hearing Officers will start the fact-finding process by questioning one of the interested parties (determined by the issues and who filed the appeal). However, some Hearing Officers may ask a party to state their position, and then ask questions based on the testimony given.

NOTE: If the interested party being questioned is unrepresented, the Hearing Officer will allow that party the opportunity to add any relevant information that did not come up during the Hearing Officer's questioning.

The Hearing Process continued

6. **Direct examination** – After the Hearing Officer finishes questioning an interested party, if the party is represented, their representative has the right to ask them additional questions.
7. **Cross-examination** – After the Hearing Officer finishes their questioning and the party is questioned by their representative (when applicable) or adds to their testimony (if unrepresented), the opposing party or their representative (when applicable) can ask questions of the party who has testified.

NOTE: You have the right to ask questions of any opposing witness, but are not required to so.

8. **Additional witnesses** – If the interested party who finishes testifying has a witness, that witness will first be questioned by the Hearing Officer, followed by direct and then cross examination.

NOTE: If a party has more than one relevant witness, each witness will be questioned separately using the above sequence (Hearing Officer, direct, cross).

9. **Rebuttal** – After the other party questions your witness, if you feel further explanation or information is needed, you may ask the Hearing Officer to allow you to ask your witness a few follow-up questions.
10. **Other party questioning/fact-finding** – After the Hearing Officer finishes with the first interested party, they will then question the other interested party (if applicable) following the procedures outlined in steps 5-9.
11. **Closing statements** – After each interested party has presented their position and all witnesses have been questioned, the Hearing Officer will ask each side if they would like to submit a brief closing statement for the record.
12. **Conclusion of hearing** – After closing statements, the Hearing Officer will conclude the hearing by explaining the decision process and noting that a written decision will be issued to all interested parties at a later time.

NOTE: Decisions are not given at the time of the hearing.