



UI Appeal Hearing Opening

Persons on the telephone in the Appeal Hearing:

Williamson — Employer Primary Representative, Alice Williamson

Brown — TWC Hearing Officer

Mitchell — UI Claimant, Debbie Mitchell

Johnson — Employer Representative, Mike Johnson

I. Opening Portion of the UI Appeal Hearing

(Telephone beeps and connection sounds.)

Narrator: This is a recording of a typical unemployment insurance benefits hearing. The majority of unemployment hearings involve whether the claimant is qualified for benefits, based on his or her last separation from work.

A hearing has several distinct parts: opening, claimant testimony, employer testimony, and closing. This is the opening portion of the UI Appeal Hearing.

Brown, Hearing Officer: "This is Hearing Officer Brown of the Texas Workforce Commission. Are you ready to begin the hearing?"

Williamson, Employer Primary Representative: "Yes, Ma'am."

Brown, Hearing Officer: "Just a moment please."

(Telephone beeps and connection sounds.)

Brown, Hearing Officer: "May I speak with Debbie Mitchell?"

Mitchell, UI Claimant: "This is Debbie."

Brown, Hearing Officer: "This is Hearing Officer Brown of the Texas Workforce Commission. Are you ready to begin your hearing?"

Mitchell, UI Claimant: "Yes."

Brown, Hearing Officer: "Just a moment, please."

(Telephone beeps and connection sounds.)

Brown, Hearing Officer: "May I speak with Mike Johnson?"

Johnson, Employer Representative: "This is Mike Johnson."



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Brown, Hearing Officer: "Mr. Johnson, this is Hearing Officer Brown of the Texas Workforce Commission. Are you ready to begin your hearing?"

Johnson, Employer Representative: "Yes, I am."

Brown, Hearing Officer: "OK, we are tape-recording the hearing. It is now 2:31 p.m. Ms. Mitchell, if you would, please state your name, spell it, and give your Social Security Number for the record, please."

Mitchell, UI Claimant: "Debbie Mitchell, M-i-t-c-h-e-l-l, social is 123-45-6789."

Brown, Hearing Officer: "Do you have any witnesses for today's hearing?"

Mitchell, UI Claimant: "No, Ma'am."

Brown, Hearing Officer: "OK. Ms. Williamson. If you would, state your name, spell it, and give your title or position."

Williamson, Employer Primary Representative: "Alice Williamson, W-i-l-l-i-a-m-s-o-n. I am a regional coordination manager."

Brown, Hearing Officer: "OK, are you on a speaker phone?"

Williamson, Employer Primary Representative: "Yes."

Brown, Hearing Officer: "You said Regional Coordination Manager?"

Williamson, Employer Primary Representative: "Yes, but at the time, I was the store manager in Houston."

Brown, Hearing Officer: "OK. Mr. Johnson, your name, spell it and give your title, please."

Johnson, Employer Representative: "My name is Mike Johnson, my last name is spelled J-o-h-n-s-o-n. My current title is Loss Prevention Analyst Manager, but at the time of the incident I was the District Loss Prevention Manager."

Brown, Hearing Officer: "OK. Any other witnesses for the employer today?"

Williamson, Employer Primary Representative: "No."

Brown, Hearing Officer: "I'll need one of you to act as primary representative. That person will be responsible for questioning witnesses after they testify, and for examining any documents we might want to enter into evidence. Who wishes to do that?"

Williamson, Employer Primary Representative: "That will be me, Alice Williamson."

Brown, Hearing Officer: "All right."



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Brown, Hearing Officer: "This is appeal number 999000-1, the claimant is Debbie Mitchell, Social Security Number is 123-45-6789, is that correct ma'am?"

Mitchell, UI Claimant: "Yes."

Brown, Hearing Officer: "And Ms. Mitchell, you do not have witnesses today, is that correct?"

Mitchell, UI Claimant: "That is correct."

Brown, Hearing Officer: "On the employer's behalf, Soft Line, Incorporated, we have TWC Tax account number 98-765432-1. Do you know if that's the correct account number, Ms. Williamson?"

Williamson, Employer Primary Representative: "That is correct."

Brown, Hearing Officer: "Other than Mr. Johnson, Ms. Williamson, I believe there are no other witnesses for the employer, is that correct?"

Williamson, Employer Primary Representative: "That's correct."

Brown, Hearing Officer: "All right. This hearing is being held on Wednesday, March 24th, 2004, by telephone conference call. It is being conducted by Hearing Officer Brown, and it is now 2:33 p.m."

Brown, Hearing Officer: "In this case, the claimant filed an appeal dated February 20th, 2004, from a determination dated February 6th, 2004. That determination indicated that the claimant was discharged for misconduct connected with her last work, therefore she was disqualified from receiving benefits, under section 207.044 of the Act, beginning December 7th, 2003. The determination also indicated that there would be no charge to the employer's TWC Tax account."

Brown, Hearing Officer: "Present at the Hearing today, we have the claimant."

"On the employer's behalf we have Alice Williamson, Regional Coordination Manager, and Mike Johnson, a Loss Prevention Analyst Manager."

"Before I administer the oath, let me remind both parties that you may offer your own testimony, witness testimony, and any documentary evidence that you might have. Each party has the right to question its own witnesses, if they have any, as well as the witnesses of the other party. I will determine the relevancy of the testimony that's presented. I may also rely on documentation that's presently in the file."

"Generally, we take testimony first from the party who initiated the work separation. Each person testifying will be asked to provide their name and date of birth for the record. No one is to prompt the testimony of anyone else. No one is to refer to documents that have not been previously disclosed."



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“Either party may ‘invoke the Rule.’ This is to have witnesses testify outside the presence of other witnesses in order to make certain that each witnesses’ testimony is based on personal knowledge. After the hearing is over, I will issue a written decision in the case. If you do not agree with the decision, since both parties are Parties of Interest, you may appeal it in writing within 14 days of the date the decision is mailed, not of the date that it is received. This is why it is important that you provide me with your correct mailing addresses.”

“Also, the time limit and the procedures to follow when filing a subsequent appeal will be stated on the last page of the decision.”

Brown, Hearing Officer: “Ms. Mitchell, to what address do you want your decision mailed?”

Mitchell, UI Claimant: “4102 Anywhere Drive, Austin, Texas, 99199.”

Brown, Hearing Officer: “OK, that’s 4102 Anywhere Drive, Austin, Texas, 99199, is that correct?”

Mitchell, UI Claimant: “Yes.”

Brown, Hearing Officer: “And Ms. Williamson, to what address do you want your decision mailed?”

Williamson, Employer Primary Representative: “Soft Line, Incorporated, PO Box 2468, Austin, Texas, 99099.”

Brown, Hearing Officer: “Alright, that’s Soft Line, Incorporated, PO Box 2468, Austin, Texas, 99099, is that correct?”

Williamson, Employer Primary Representative: “That’s correct.”

Brown, Hearing Officer: “And Ms. Mitchell, if you are still unemployed, you need to continue filing claims for benefits every two weeks as directed by your claims center or the tele-serve system. If you are working part-time, you need to report any earnings that you have. Do you have any questions regarding the procedures, Ms. Mitchell?”

Mitchell, UI Claimant: “No.”

Brown, Hearing Officer: “How about you, Ms. Williamson?”

Williamson, Employer Primary Representative: “No.”

Brown, Hearing Officer: “Let me go off the record and check the quality of the tape at this time. Just a moment.”

(Clicks)



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Brown, Hearing Officer: "We're back on record, the tape does appear to be recording properly. Was there any type of discussion when I was off the record checking the tape? Ms. Mitchell?"

Mitchell, UI Claimant: "No."

Brown, Hearing Officer: "Ms. Williamson?"

Williamson, Employer Primary Representative: "No."

Brown, Hearing Officer: "Alright. I want to take administrative notice of the notice of the telephone hearing for today's hearing, as well as the information packet relevant to the case, that all the information was mailed to both parties for the hearing today. Did you receive that information Ms. Mitchell?"

Mitchell, UI Claimant: "Yes I did."

Brown, Hearing Officer: "How about you Ms. Williamson?"

Williamson, Employer Primary Representative: "Yes."

Brown, Hearing Officer: "I am taking notice only as to the receipt of the documents, and not as to the accuracy or to the credibility of the documents that were mailed."

"I'm going to go ahead and administer the oath at this time: Do you solemnly affirm or swear that your testimony today will be the truth, the whole truth, and nothing but the truth, Ms. Mitchell?"

Mitchell, UI Claimant: "Yes."

Brown, Hearing Officer: "Ms. Williamson?"

Williamson, Employer Primary Representative: "Yes."

Brown, Hearing Officer: "Mr. Johnson?"

Johnson, Employer Representative: "Yes."

Brown, Hearing Officer: "What is your date of birth, Ms. Mitchell?"

Mitchell – UI Claimant: "February 24, 1972."

Brown, Hearing Officer: "Ms Williamson?"

Williamson, Employer Primary Representative: "6-11-66."

Brown, Hearing Officer: "And Mr. Johnson?"



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Johnson, Employer Representative: "4-18-65."

(This concludes the opening portion of the hearing.)

Narrator: This concludes the opening portion of the UI Appeal Hearing.