



SS # 392-92-4011

UI LO #: 01
UI Acct. #: 692172

DETERMINATION

|||||
CITY OF WAUPUN
% CITY CLERK
P O BOX 232
WAUPUN WI 53963-0232

MARK J COLKER
[REDACTED]

Issue Week: 26/02	Applicable
Week Ending: 06/29/02	Wisconsin Law: 108.04(5)

FINDINGS AND DETERMINATION OF THE DEPUTY:

THE EMPLOYEE'S DISCHARGE WAS NOT FOR MISCONDUCT CONNECTED WITH HIS EMPLOYMENT.

THE EMPLOYER HAS INDICATED THAT THE EMPLOYEE WAS DISCHARGED DUE TO PROBLEMS WITH HIS JOB PERFORMANCE. ALTHOUGH GIVEN THE OPPORTUNITY, THE EMPLOYER HAS DECLINED TO PROVIDE SPECIFIC DETAILS. THE EMPLOYER HAS NOT ESTABLISHED THAT THE EMPLOYEE'S DISCHARGE WAS DUE TO A WILLFUL AND SUBSTANTIAL DISREGARD OF THE EMPLOYER'S INTERESTS.

EFFECT

BENEFITS ARE ALLOWED.

DEPUTY MELISSA PETERSON	DATE MAILED 07/27/02	DECISION FINAL UNLESS A WRITTEN APPEAL IS RECEIVED OR POSTMARKED BY:
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THIS INFORMATION IS IMPORTANT TO BOTH PARTIES AND SHOULD BE READ IMMEDIATELY

This determination resolves an unemployment eligibility issue. If you have questions about this determination or problems filing weekly claims, CONTACT A CLAIMS SPECIALIST at:

	Claimant	Employer	Madison Benefit Center	Milwaukee Benefit Center
Local Madison Calls	232-0824	232-0633	P.O. Box 8978	P.O. Box 09999
Local Milwaukee Calls	438-7713	438-7705	Madison, WI 53708-8978	Milwaukee, WI 53209-0999
Toll Free Calls	1-800-494-4944	1-800-247-1744	FAX: (608) 232-0940	FAX: (414) 438-2100

If you are the employer and benefits are allowed by this determination, benefits may be charged to your individual UI account unless you receive specific notice that benefits are to be charged to the fund's balancing account, which does **not** result in an individual employer's account being charged. If a subsequent decision finds the claimant ineligible, benefits paid may be credited to the employer's UI account. **If you have questions about employer charges or want to notify the department of an additional issue(s), contact a Claims Specialist (see above).**

HOW TO FILE AN APPEAL

IF YOU DISAGREE WITH THIS DETERMINATION, YOU HAVE THE RIGHT TO FILE AN APPEAL. An appeal is a request for a hearing before an Administrative Law Judge. You should submit a separate request for each determination you want to appeal.

- * An appeal must be in writing and state that it is an appeal to the determination; and
- * Indicate whether it is a claimant or employer appeal; and
- * Include the claimant's name and Social Security number; and
- * Identify the determination by its 9-digit ID number located in the upper left-hand corner AND include a copy of the determination; and
- * Identify the name of the employer AND where the work was performed; and
- * Provide your attorney or agent's name and address (if you are represented), and include dates when you, your attorney, agent, or witness(es) are not available for a hearing as postponements cannot always be granted; and
- * Indicate any special needs, i.e., accommodations you may need as a result of a disability or a hearing office-supplied interpreter (language or sign). and
- * Be signed and dated by you, your agent or attorney.

To be timely, your appeal **must** be received or postmarked by the last appeal date shown on the front of this determination. An appeal by **FAX must be received by midnight (central time) on the last appeal date.** A claimant in another state may file an appeal at the nearest public employment office.

WHERE TO FILE AN APPEAL

ONLY SEND APPEALS TO:

**MADISON HEARING OFFICE
1801 ABERG AVE., SUITE A
P.O. BOX 7975
MADISON, WI 53707-7975
FAX: (608) 242-4813**

IMMEDIATELY START PREPARING FOR A HEARING SINCE HEARING NOTICES MAY BE MAILED ONLY 6 DAYS PRIOR TO THE SCHEDULED HEARING. Collect documents, evidence, and identify witness(es) that you need for the hearing. If you are going to be represented, contact the hearing office with the name and address of the representative. The department does not provide attorneys or agents to represent parties at hearings.

When an appeal is filed, the parties involved will be sent a CONFIRMATION OF APPEAL and a pamphlet on the appeal process. **READ ALL INFORMATION CAREFULLY.**

If you are the claimant, you must continue to file weekly claims while this determination is under appeal. If this determination denies benefits and is reversed as a result of the appeal, you will be eligible for benefits for the week(s) at issue only if you filed a claim for such week(s). If you stopped claiming and wish to reopen your claim, please refer to the Claimant Handbook (UCB-10-P). If benefits are allowed by this determination and you are otherwise eligible, benefit payments may continue while the appeal is pending. If a subsequent decision finds you ineligible, you may be required to repay benefits and the employer's UI account may be credited.

INFORMATION ABOUT APPEAL HEARINGS BY TELEPHONE

General Information

If you or the other party in your case appeal the initial determination you received, either an in-person hearing or a telephone hearing will be scheduled. A telephone hearing is one at which one or both parties participate by telephone. It is not a telephone hearing if only one or more witnesses participate by telephone.

Parties can request that they be allowed to participate by telephone. However, a telephone hearing may be scheduled even if neither party has asked for one. Also, an in-person hearing may be scheduled even if a telephone hearing has been requested. The department will determine if a telephone hearing is suitable in your case.

The department will presume that a telephone hearing is suitable if:

- a. A party is located 40 miles or more from the hearing site, or
- b. Two or more parties are involved and all of the parties have timely requested a telephone hearing in writing after receiving information to consider about telephone hearings.

This does not mean that a telephone hearing will always be scheduled in these cases. **The department may still decide that a telephone hearing is unsuitable.** These are also not the only times a telephone hearing will be scheduled. A telephone hearing may be scheduled for other reasons too.

Things to Think About Before Requesting a Telephone Hearing

There are advantages and disadvantages to telephone hearings. You must decide for yourself whether you think a telephone hearing would work in your case. Things you should consider before requesting a telephone hearing:

- A telephone hearing may be more convenient.
- There is no travel time required & you will not have to arrange for transportation if you have a telephone hearing.
- A telephone hearing may take longer, but may not take longer than an in-person hearing plus travel.
- There may be equipment problems during a telephone hearing (such as: people sometimes have trouble hearing during a telephone hearing, or get cut off.)
- While you will still have to arrange for child care, you may not need child care for as long when you have a telephone hearing since there is no travel time involved.
- Some people do not get as prepared for a telephone hearing which may hurt their case.
- While parties are supposed to exchange exhibits before a telephone hearing, someone may not have seen them all. This may prevent your use of the exhibit, delay your hearing or require that it be rescheduled.
- You must remember to have the exhibits with you at your telephone hearing. Some people lose or misplace them.
- It may be hard to work with a large number of exhibits during a telephone hearing, & it may be harder to tell which exhibits are being referred to during a telephone hearing.
- The judge can prevent the “coaching” of those participating during an in-person hearing.
- There must be enough telephone extensions for all participants to be listening at the same time during a telephone hearing.
- It may be harder for the judge to assess a participant’s credibility during a telephone hearing.
- You will need to have a phone in a quiet location, without interruptions.
- Working parties & witnesses participating by telephone may miss less work in order to participate.
- Parties will not meet face to face in a telephone hearing.

Requesting a Telephone Hearing

If you are appealing the initial determination and want the department to presume that a telephone hearing is suitable, you must request a telephone hearing when you file your appeal. If you are notified that the other party in your case has appealed the initial determination and you would like the department to presume that a telephone hearing is suitable, you must send a written request for a telephone hearing and it must be received or postmarked within 5 business days of the day on which the department mailed you the notice that an appeal has been filed. You should give the reasons you want a telephone hearing in your request. Although telephone hearings may be granted if you make your request at other times, you must make your request by these deadlines in order for the department to presume that a telephone hearing is suitable.

If you are scheduled for a telephone hearing, you can still attend in person. If you are going to appear in-person, you should call the hearing office at least 48 hours before the hearing. For more information about telephone hearings, you can read administrative rule DWD 140.11. Administrative rules are available at public libraries, law libraries, website www.dwd.state.wi.us/ui/law.htm or from the Unemployment Insurance Division of the Department of Workforce Development.