



Legal Aid Society
OF THE DISTRICT OF COLUMBIA

MAKING JUSTICE REAL

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**LEGAL AID WINS LANDMARK UNEMPLOYMENT CASE
FOR A SURVIVOR OF DOMESTIC VIOLENCE
E.C. v. RCM of Washington, Inc., No. 12-AA-1441 (D.C. June 5, 2014)**

WASHINGTON, D.C., June 6, 2014 – The Legal Aid Society of the District of Columbia announces an important appellate victory that will benefit survivors of domestic violence who seek unemployment compensation after a job loss that stems from their abuse.

On June 5, 2014, the District of Columbia Court of Appeals issued an opinion in *E.C. v. RCM of Washington, Inc.*, No. 12-AA-1441 (D.C. June 5, 2014), holding that an employee is entitled to unemployment benefits when terminated “due to domestic violence” under D.C.’s unemployment compensation statute when domestic violence was a “substantial factor” in her leaving employment. The court concluded that, “based on the statute’s legislative history, remedial purpose to combat domestic violence and its impact on victims in the unemployment compensation context, as well as public policies underlying similar remedial legislation, the statute intends to allow for broad coverage of claimants whose separation from employment is ‘due to domestic violence.’”

Recognizing that “the type of behaviors often exhibited by victims of domestic violence, which, though intended to placate the perpetrators may simultaneously undermine certain employer codes of conduct,” the Court found it “fitting that in this context, we adopt a test intended to require a claimant to show only that the ‘domestic violence’ substantially led to her separation from employment.” Finding that Ms. E.C.¹ had shown that domestic violence was a “substantial factor” in her termination, the Court awarded Ms. E.C. unemployment benefits without need for further factual development by remand.

A ruling with wide-reaching precedential effect, *E.C.* is the first case in the District of Columbia to give meaning to the 2004 domestic violence safe harbor provision of the D.C. Unemployment Compensation statute. This provision explicitly protects victims of domestic violence who lose their jobs “due to domestic violence” and funds these benefits from a special

¹ The name of Legal Aid’s client has been abbreviated to protect client confidentiality.

fund so that most employers do not bear the cost of the benefits. While at least twenty-four other states have similar domestic violence protections, including eight states that use a similar statutory standard, this case represents the first time that a state appellate court has ruled on the question of how closely the domestic violence must be connected to the job loss.

“The decision will not only help Ms. E.C., but it should have a real world positive impact on survivors of domestic violence in D.C.,” said Eric Angel, Legal Aid’s Executive Director. “With this decision, D.C.’s highest court makes justice real for domestic violence survivors.”

In this case, Ms. E.C. was fired by her employer after her ex-boyfriend—having stalked her at work, assaulted her and destroyed her property—made good on his threats to get her fired as well. RCM of Washington terminated Ms. E.C. for allowing her abuser onto the workplace property three times in an attempt to appease him and prevent him from exploding and causing an unsafe work situation. Her employer had learned of these incidents because her abuser had reported them.

Ms. E.C.’s initial unemployment compensation application was denied. She appealed the denial with representation from Legal Aid but was only granted partial benefits and disqualified for eight weeks of benefits. Ms. E.C. appealed that decision to the D.C. Court of Appeals.

Ms. E.C. was represented by Legal Aid attorneys Jennifer Mezey, who was counsel of record, Drake Hagner, and Jack Keeney, Jr. A coalition of domestic violence organizations represented by Joan Meier of DV LEAP and Matthew A. Eisenstein, Adele Gilpin and Christa D. Forman of Arnold & Porter submitted an amicus brief in support of Legal Aid’s position. The District of Columbia government also submitted an important supporting brief in favor of a broad reading of the statutory provisions consistent with Legal Aid’s position.

“We applaud the courage of Ms. E.C. in standing up for her rights and those of countless others by challenging her partial denial of benefits. Legal Aid will continue its work to make sure that others do not have to undertake such extensive efforts to vindicate their legal right to receive these safety net benefits,” concluded Angel.

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For more than 80 years, the Legal Aid Society of the District of Columbia has been ensuring that the American system of justice works for everyone, especially those living in poverty. Legal Aid is a nonprofit law firm that, with the support of the private legal community, represents clients who have no other means of obtaining legal assistance in civil cases. Since its founding in 1932, Legal Aid has worked to help thousands of low-income D.C. residents keep their homes, stabilize their families, access health and government benefits, and feel safe in their communities. Please read our blog: MakingJusticeReal.org.