

**DECLARATION OF JENNIFER MEZEY**

I, Jennifer Mezey, am over 18 years of age and competent to testify:

1. I am the Deputy Legal Director at the Legal Aid Society of the District of Columbia (Legal Aid) where I oversee all practice areas and policy work on behalf of our civil legal services law firm. Legal Aid employs more than 60 attorneys who provide free legal services in housing law, family law, consumer law, public benefits law (including unemployment insurance law), and appellate practice.

2. Prior to serving as Deputy Legal Director, I was a Supervising Attorney in our Public Benefits Law Unit for approximately sixteen years. While in that role, I represented low-income individuals in public benefits matters in the District of Columbia Office of Administrative Hearings (OAH) and Court of Appeals, and the U.S. District Court for the District of Columbia and supervised attorneys to do the same. Between 2011 and my elevation to Deputy Legal Director in 2020, I represented individual clients in unemployment insurance matters and oversaw Legal Aid's unemployment insurance practice and policy work. As Deputy Legal Director, I continue to oversee Legal Aid's unemployment insurance practice and advocacy.

3. I am a graduate of Oberlin College and the John F. Kennedy School of Government at Harvard University, and I have a Juris Doctor from the University of Michigan Law School. I am a member of the District of Columbia Bar in good standing.

4. In preparation for this declaration, I have consulted with Legal Aid's attorneys and reviewed records and correspondence compiled by Legal Aid staff as well as public records.

5. For more than 10 years, Legal Aid has represented low-income individuals in unemployment matters at the District of Columbia Department of Employment Services

(DOES), OAH, and the Court of Appeals. Legal Aid attorneys also engage in systemic policy and appellate advocacy on behalf of Legal Aid's unemployment clients, including testifying before the District of Columbia Council on the performance and budget of DOES and OAH.

6. Shortly after March 11, 2020, when District of Columbia Mayor Muriel Bowser declared a COVID-19 public health emergency, Legal Aid experienced a dramatic increase in the number of individuals requesting our help with unemployment compensation legal matters.

7. I have reviewed records produced by our client database showing that prior to COVID-19, in the entire year of 2019, Legal Aid interviewed 25 individuals seeking help with an unemployment matter. After the declaration of the public health emergency, from March to December 2020, Legal Aid interviewed 495 individuals seeking unemployment help – nearly 20 times the number of unemployment interviews in 2019. In 2021, the number increased even more to 556 individuals interviewed through December 20, 2021.

8. In response to the COVID-19 related unemployment crisis and to serve as many individuals as possible, in April 2020, Legal Aid reallocated attorneys and legal assistants from our other practice areas to assist with unemployment matters under the supervision of Legal Aid's unemployment law experts. Prior to COVID-19, Legal Aid generally had one or two attorneys taking unemployment matters part-time (while accepting other public benefits cases). Since the COVID-19 public health emergency began, Legal Aid has had thirteen staff members spent more than two-thirds of their working hours on unemployment matters. Legal Aid also established new pro bono programs with law firms and referred more than 70 unemployment cases to pro bono lawyers.

9. On or around July 2020, approximately four months into the pandemic, Legal Aid attorneys observed an increase in the number of individuals reporting that DOES had not decided their claim, despite the claimants' having filed more than sixty days earlier.

10. On or around September 2020, Legal Aid attorneys observed a large increase in the number of individuals reporting that a DOES had denied some or all of their weekly claims for unemployment benefits without providing a written notice (called a Determination by Claims Examiner, see Attachment A) that would allow these individuals to appeal the denial to OAH. Individuals reported filing appeals with OAH, without ever receiving a scheduled hearing date, only to have OAH dismiss their appeal. Legal Aid has since that time contacted DOES on behalf of dozens of individuals seeking a written Determination by Claims Examiner. In a small number of these cases, DOES had sent the determination only by email, but the individual never saw it because their email system redirected the DOES email to spam. However, in many cases Legal Aid learned that DOES had *never* previously sent a determination to the individual prior to denying or termination their unemployment benefits.

11. On or around September 2020, Legal Aid also observed an increase in the number of individuals reporting that their unemployment benefits had been seized – or “offset” – from ongoing benefits for which they were eligible to recoup an alleged overpayment of unemployment benefits. Some of these individuals reported to Legal Aid that their benefits had terminated without notice, and it was only after investigation with DOES that Legal Aid determined their benefits had been offset. Many of these individuals reported that they had never received a written notice from DOES that would explain the reason for the overpayment and allow the individual to appeal to OAH (called a Notice of Determination by Claims Examiner, see Attachment B, or a Notice of Determination of Overpayment, see Attachment C). Some

individuals reported receiving a Notice of Determination of Overpayment that did not offer any explanation for how the overpayment occurred nor provide notice of their right to appeal.

(Attachment D.) Some individuals reported receiving an Offset Receipt from DOES that merely stated the amount of benefits offset and for which weeks but did not offer any explanation for why benefits were offset or how to seek review or an appeal of the offset. (Attachment E.)

12. Based on Legal Aid's ten years of unemployment practice, Legal Aid is aware that it is DOES standard practice to issue a one-page Offset Receipt after seizing an individual's unemployment benefits for an alleged overpayment. (Attachment E.) The Offset Receipt states the amount of benefits seized and from which weeks of benefits along with the balance of the alleged overpayment still owed to DOES. It is Legal Aid's understanding that OAH will not schedule a hearing in response to an appeal filed to challenge a DOES Offset Receipt.

13. Based on Legal Aid's ten years of unemployment practice, review of OAH forms and conversations with OAH Administrative Law Judges and staff in the past two years, Legal Aid is aware that OAH will not schedule an unemployment hearing for an individual challenging a denial of their unemployment benefits unless that individual sends a copy of a DOES Determination by Claims Examiner or Notice of Determination of Overpayment to OAH. Legal Aid staff have observed that without this determination, OAH sends the appellant an Order for More Information and email from the Clerk's office requesting a Determination by Claims Examiner, and if the appellant does not provide one, OAH dismisses the appeal request without scheduling a hearing or any issuing any order requiring DOES to respond and/or provide a copy of the written determination in question.

14. In April 2020, Legal Aid began consolidating our clients' unemployment claims questions and demands into a weekly email to DOES. On September 25, 2020, DOES asked

Legal Aid to submit these client matters to DOES's Legislative Affairs Officer, Sarah Case-Herron, in the office of the DOES Chief of Staff. Legal Aid escalated our first consolidated list of clients' questions and demands to Ms. Case-Herron on October 1, 2020 and continued to email Ms. Case-Herron on a weekly basis throughout all of 2021. Legal Aid added DOES Chief of Staff (now Deputy Chief of Staff) Alan Karnofsky to these consolidated client emails beginning on or around December 2020 and continued throughout all of 2021.

15. Since April 2020, Legal Aid attorneys had several telephone calls with Mr. Karnofsky and/or Ms. Case-Herron, along with email exchanges, which addressed, among other issues, DOES's delay in processing unemployment benefit claims, DOES's termination and denial of claims without notice, and Legal Aid's concerns about DOES's overpayment practices including the offset of current and future unemployment benefits without adequate notice.

16. In the past 18 months, Legal Aid has escalated more than 700 unemployment cases to DOES via these weekly escalation emails sent to the DOES Legislative Affairs Officer and Chief of Staff. Many of these 700 cases involved extensive delays, denials, or terminations without notice, or offset without adequate notice. While DOES resolved many of our escalated cases within one month, many others required multiple weekly follows ups, spanning multiple months.

17. In the nearly six-month period between June 3, 2021 and November 17, 2021, Legal Aid escalated 241 unemployment matters via these weekly escalation emails sent to the DOES Legislative Affairs Officer and Chief of Staff. Included in those requests were 56 clients experiencing a significant delay in claims processing; 74 clients whose benefits were denied or terminated without any known written determination from DOES that would allow them to appeal the determination; and 16 clients whose current or future unemployment benefits were

offset without adequate notice. This weekly escalation process has specifically notified DOES of the individual problems faced by Plaintiffs Mulugeta Hailu, Mizan Werede, William Perry, and Yohannes Woube.

18. Legal Aid has received help in resolving our clients' matters from DOES employees who respond to our questions and demands. However, through these escalations and Legal Aid's other work, we have observed the recurring and systemic nature of the problems our clients (in addition to the named Plaintiffs) experience, including DOES's failure to timely process unemployment claims, issue written determinations when denying or termination benefits, and provide adequate notice to individuals whose current or future benefits are offset for alleged overpayments.

19. Legal Aid believes DOES was on notice about these systemic issues because Legal Aid emailed and spoke with DOES about these matters, including escalating recurring problems weekly. Legal Aid also publicly testified about these systemic issues on the following occasions: delay of unemployment benefit processing on September 16, 2020, March 3, 2021, and June 9, 2021; denial or termination of unemployment benefits without notice on March 3, 2021 and June 9, 2021; and offset and aggressive recoupment of unemployment benefits without proper notice on March 3, 2021 and other offset problems on June 9, 2021. Based on conversations between Legal Aid staff and DOES employees and watching the public hearing, Legal Aid believes that DOES was listening to this public testimony and even calling individuals on the hearing witness list to resolve their claims prior to their public testimony. Additionally, Legal Aid specifically emailed a copy of our June 9, 2021, written testimony before the DC Council Labor and Workforce Development Committee to Ms. Case-Herron, and this testimony specifically raised Legal Aid's ongoing concerns with long delays in unemployment benefit

claims processing and denial or termination of benefits without written determinations. Legal Aid's written testimony was published in the DC Council's public legislative record of these hearings. *See* Council of the District of Columbia Committee on Labor and Workforce Development ("DC Council Committee on Labor") Public Oversight Hearing on the District's Unemployment Compensation Program During the COVID-19 Pandemic, September 16, 2020, at 6-14, *available at*

[https://lims.dccouncil.us/downloads/LIMS/46137/Oversight\\_Hearing\\_Record/HR23-0176-Oversight\\_Hearing\\_Record.pdf](https://lims.dccouncil.us/downloads/LIMS/46137/Oversight_Hearing_Record/HR23-0176-Oversight_Hearing_Record.pdf); DC Council Committee on Labor, Performance Oversight

Hearing of DOES, March 3, 2021, at 20-25, *available at*

[https://lims.dccouncil.us/downloads/LIMS/47338/Oversight\\_Hearing\\_Record/HR24-0053-Oversight\\_Hearing\\_Record.pdf](https://lims.dccouncil.us/downloads/LIMS/47338/Oversight_Hearing_Record/HR24-0053-Oversight_Hearing_Record.pdf); DC Council Committee on Labor, Hearing on DOES Budget,

June 9, 2021, at 55-60, *available at*

[https://lims.dccouncil.us/downloads/LIMS/47622/Oversight\\_Hearing\\_Record/HR24-0075-Oversight\\_Hearing\\_Record.pdf](https://lims.dccouncil.us/downloads/LIMS/47622/Oversight_Hearing_Record/HR24-0075-Oversight_Hearing_Record.pdf).

20. As a part of our ongoing systemic advocacy work, Legal Aid attorneys attend periodic stakeholder meetings hosted virtually by OAH, including the Unemployment Insurance Stakeholders Meetings attended by OAH and DOES representatives as well as advocates for unemployment claimants and their employers. I have reviewed the contemporaneously recorded notes of my staff who attended these meetings on May 21, 2021 and September 23, 2021. According to these records, Legal Aid staff learned from an OAH representative that OAH received nearly five-times the number of unemployment compensation appeals each month in April, May, and June 2020 (650 to 950 appeals each month) over the pre-COVID-19 numbers of approximately 170 unemployment appeals filed each month. Those numbers dropped to 250 to

500 appeals each month in fall 2020; around that time, OAH identified a trend of a higher-than-usual 40 percent of appeals filed without the individual attaching any written notice or determination from DOES – again, an increase compared to before the pandemic. Legal Aid staff recorded that the OAH representative confirmed OAH’s practice not to schedule a hearing unless or until OAH receives a Determination by Claims Examiner from the individual filing an appeal. Instead, OAH issues an Order for More Information and, if no determination is received, dismisses the appeal without any hearing. Legal Aid staff recorded the OAH representative’s report that by April 2021, the number of appeals filed without a written notice jumped to 80 percent resulting in approximately 400 appeals out of 500 total filed where OAH chose not to schedule a hearing. DOES General Counsel Tonya Robinson is named as an attendee in my staff’s May 21, 2021 meeting notes. Four months later, at the September 23, 2021 meeting, Legal Aid staff learned that the percentage of appeals filed without a written notice had decreased to 20 percent by August 2021, but this still resulted in approximately 92 times that month that OAH chose not to schedule a hearing.

21. DOES’s long benefit delays, erroneous denial and terminations without notice, and offset of unemployment benefits without adequate notice has, in most instances, prevented Legal Aid’s clients from being able to timely pay their housing, utility bills, food, medication, transportation, and other basic needs. Legal Aid has served dozens of individual clients seeking unpaid unemployment benefits in the past two years who are homeless, including two recent clients living out of their cars.

22. Legal Aid attorneys have observed that the prompt and accurate processing of unemployment benefits prevents our individual clients from falling into high-interest debt, facing



eviction or foreclosure, utility terminations, or other collateral consequences of their unemployment.

23. Legal Aid has helped as many individuals with unemployment benefit problems as possible while also responding to the other existing civil legal needs in crisis due to the COVID-19 public health emergency, including serving low-income victims of domestic violence, tenants facing illegal eviction, and individuals facing foreclosure and private debt collection. As the eviction and foreclosure moratorium in DC lift in the coming weeks, it is imperative that DOES provide claimants with the unemployment benefits they are eligible for -- or a written notice of denial allowing those claimants to appeal any erroneous determinations. Legal Aid has engaged in systemic advocacy with DOES and before the DC Council to attempt to draw attention to ongoing systemic problems with long delays in DOES claims processing, denial and termination of unemployment benefits without written determinations, and offset of benefits without adequate notice.

24. Despite Legal Aid's efforts – and the fact that COVID-19 federal unemployment benefits expired in September 2021 – individuals continue to contact Legal Aid for help with unemployment benefits problems they have not been able to resolve directly with DOES or at OAH. And unfortunately, Legal Aid is not able to help every individual who contacted us with a potentially meritorious case. Legal Aid's intake records show that in the past two months, November and December 2021, Legal Aid turned away 75 individuals who contacted us for unemployment benefits help. Legal Aid's intake specialists reported to me that they believe that approximately one-quarter of the individuals recently turned away have already tried and exhausted help from other sources in DC, and many express their frustration at being bounced

around between different organizations who do not have the resources to help them or do not have solutions to their unemployment problems.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: January 5, 2022

Washington, DC



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Jennifer Mezey

Declaration of Jennifer Mezey

Signed January 5, 2022

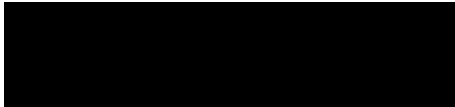
**Attachment A**



DISTRICT OF COLUMBIA DEPARTMENT OF EMPLOYMENT SERVICES  
OFFICE OF UNEMPLOYMENT COMPENSATION  
BENEFITS UNIT  
4058 MINNESOTA AVENUE, N.E.  
WASHINGTON, D.C. 20019

**DETERMINATION BY CLAIMS EXAMINER**

**CLAIMANT:**



**EMPLOYER:**



**SOCIAL SECURITY NUMBER: XXX-XX-** [REDACTED]

**ISSUE:** Discharged for Gross Misconduct

**LAW**

The District of Columbia Unemployment Compensation Act provides that an individual shall be disqualified from receiving benefits if it is found that he/she was discharged from his/her most recent employer for misconduct occurring in the course of the work. D.C. Code, Title 51-110(b)(1). D.C. Municipal Regulation, Chapter 7-312.3(e) provides gross misconduct means an act which deliberately or willfully violates the employer's rules; deliberately or willfully threatens or violates the employer's interest; shows a repeated disregard for the employee's obligation to the employer; or disregards standards of behavior which an employer has the right to expect of its employee.

**FACTS**

Both the employer and the claimant agree the separation was involuntary. The employer indicated the claimant was separated from employment for [REDACTED]

**REASONING**

The employer has the responsibility to provide evidence of misconduct. In this case, the employer provided evidence (write-up and other documents) that showed the claimant engaged in misconduct. In addition, the claimant failed to refute the employer's allegation. Therefore, the employer has met the burden of proof, and the claimant is disqualified from receiving unemployment insurance benefits.

**DECISION**

The claimant is hereby disqualified from receiving unemployment insurance benefits effective [REDACTED] 2021, until such time as the claimant is employed in each of ten (10) weeks (whether or not consecutive), has earnings from this employment equal to not less than ten (10) times his/her Weekly Benefit Amount, and becomes unemployed through no fault of her own.

I certify that a copy of this document was mailed to the above-named claimant and employer addresses on [REDACTED] 2021.

66735

Claims Examiner

"Pursuant to DC Code §51-111(k)(2), all correspondence, notice, determinations, or decisions issued by the Director may be signed by an electronic signature that complies with the requirements §28-4917 and Mayor's Order 2009-118, issued June 25, 2009. The unique number in the signature line is the claims examiner's electronic signature. It is the attestation of and to all statements in the determination."

**SEE THE ENCLOSED D.C. CODE & NOTICE OF APPEAL RIGHTS**



**Language Assistance**

Si necesita ayuda en Español, por favor llame al 202-724-7000 para proporcionarle un intérprete **de manera gratuita**.

Nếu quý vị cần giúp đỡ về tiếng Việt, xin gọi 202-724-7000 để chúng tôi thu xếp có thông dịch viên đến giúp quý vị **miễn phí**.

Si vous avez besoin d'aide en Français appelez-le 202-724-7000 et l'assistance d'un interprète vous sera **fournie gratuitement**.

በአማርኛ እርዳታ ከፈለጉ በ 202-724-7000 ይደውሉ። የ **ነፃ** አስተርጓሚ ይሞድብልዎታል።

한국어로 언어 지원이 필요하신 경우 202-724-7000 로 연락을 주시면 **무료로** 통역이 제공됩니다.

如果您需要用 (中文)接受幫助，請電洽 202-724-7000 將**免費**向您提供口譯員服務。



**4058 Minnesota Avenue, NE, Washington, DC 20019**

**APPLICABLE SECTIONS OF D.C. CODE**

## **Title 51-101 et seq.**

### **VOLUNTARY LEAVE**

The District of Columbia Unemployment Compensation Act provides that an individual shall be disqualified from receiving benefits if it is found that the individual voluntarily left their most recent work without good cause connected with the work. D.C. Code, Title 51-110(a)

### **SPOUSE/DOMESTIC PARTNER RELOCATION**

Compensation shall not be denied to any otherwise eligible individual who leaves their most recent work to accompany his or her spouse or domestic partner to a place from which it is impractical to commute to the place of employment. D.C. Code, Title 51-110(d)(4)

### **CARE FOR AN ILL OR DISABLED FAMILY MEMBER**

Compensation shall not be denied to any otherwise eligible individual who leaves his or her most recent work to care for an ill or disabled family member. D.C. Code, Title 51-110(d)(5)

### **DOMESTIC VIOLENCE**

Compensation shall not be denied to any otherwise eligible individual for any week because the individual was separated from employment by discharge or voluntary or involuntary resignation due to domestic violence against the individual or any member of the individual's member family, unless the individual was the perpetrator of the domestic violence. D.C. Code, Title 51-131(a)

### **GROSS MISCONDUCT**

The District of Columbia Unemployment Compensation Act provides that an individual shall be disqualified from receiving benefits if it is found the individual was discharged from their most recent work for gross misconduct occurring in the course of the work. D.C. Code, Title 51-110(b)(1)

### **MISCONDUCT OTHER THAN GROSS**

The District of Columbia Unemployment Compensation Act provides that an individual shall be disqualified from receiving benefits if it is found they were discharged from their most recent work for misconduct other than gross misconduct. D.C. Code, Title 51-110 (b)(2)

### **FAILURE TO APPLY FOR OR ACCEPT SUITABLE WORK**

The District of Columbia Unemployment Compensation Act provides that an individual who fails to apply for suitable work or fails to accept suitable work shall not be eligible for benefits. D.C Code, Title 51-110 (c)(1)

### **LACK OF WORK**

The District of Columbia Unemployment Compensation Act provides that an individual who is separated from employment due to no fault of their own, and is not subject to a disqualification for such separation, is eligible to receive unemployment insurance benefits. D.C. Code, Title 51-110 (a) and (b)

## **ELIGIBILITY ISSUES**

**ABILITY TO WORK**

The District of Columbia Compensation Act requires an individual must be physically able to work in order to eligible for benefits. D.C. Code, Title 51-109(3)

**AVAILABILITY FOR WORK**

The District of Columbia Compensation Act requires an individual must be available for work in order to be eligible for benefits. D.C. Code, Title 51-109(4)(A)

**ACTIVELY SEEKING WORK**

The District of Columbia Compensation Act requires an individual shall be held ineligible from receiving benefits if it is found that the claimant did not make a minimum of two (2) work search contacts in such week D.C. Code, Title 51-109(4)(B)

**FAILURE TO REPORT AS DIRECTED**

The District of Columbia Unemployment Compensation Act provides that an individual must report as directed in order to be eligible for benefits. D.C. Code, Title 51-109(1)

**NOT UNEMPLOYED**

The District of Columbia Unemployment Compensation Act provides that an individual shall be deemed “unemployed” with respect to any week during which they perform no service and with respect to which no earnings are payable, or with respect to any week of less than full time work if 66% of the earnings payable with respect to such week are less than weekly benefit amount plus \$50. D.C. Code, Title 51-101(5)

**SEVERANCE PAY**

The District of Columbia Unemployment Compensation Act provides that an individuals’ weekly benefit amount shall be reduced for any week the individual has payable earnings. The reduction will be according to the following formula: fifty dollars (\$50.00) will be added to the weekly benefit amount; from the resulting sum, sixty-six percent (66%) of the payable earnings shall be subtracted. D.C. Code, Title 51-107(e)

**MOST RECENT WORK**

The employer for whom the individual last performed 30 work days of employment. D.C. Code Title 51-101(26)

**REASONABLE ASSURANCE**

The District of Columbia Unemployment Compensation Act provides that benefits shall not be payable to any individual for any week which commences during a period between two (2) successive academic years or terms if such individual performs such services in the first of academic years or terms and there is reasonable assurance that such individual will perform such services in the second of such academic years or terms. D.C. Code, Title 51-109(7)(C)(i)

**LABOR DISPUTE**

The District of Columbia Unemployment Compensation Act provides that an individual shall not be eligible for benefits with respect to any week if it has been found by the Director that such individual is unemployed as a direct result of labor dispute, other than a lockout, still in active progress in the establishment where he is or was last employed. D.C. Code, Title 51-110(f)

**LAWFUL ALIEN**

The District of Columbia Unemployment Compensation Act provides that unemployment benefits shall not be paid based on services performed by an alien, unless such alien is lawfully admitted at the time such services were performed. D.C. Code, Title 51-109(9)(A)



DISTRICT OF COLUMBIA  
Office of Administrative Hearings  
One Judiciary Square  
441 4th Street, NW, Suite 450N  
Washington, DC 20001  
Tel: (202) 442-9094 Fax: (202) 442-4789  
Email: oah.filing@dc.gov



**UNEMPLOYMENT INSURANCE APPEAL FORM**

Use this form to request a hearing before an Administrative Law Judge if you wish to appeal a decision of the Department of Employment Services ("DOES") concerning unemployment insurance benefits.

**READ INSTRUCTIONS HERE AND ON THE REVERSE SIDE**

For Help and Information, call (202) 442-9094

1. Please submit with this form a copy of the Claims Examiner's Determination or other DOES decision you are appealing. You may submit this form first, but we cannot schedule a hearing or proceed with your case until you submit a copy of the DOES decision you are appealing.
2. Claimants must continue to file claim forms with DOES, even while their appeals are pending in the Office of Administrative Hearings. Claimants who do not file claim forms as instructed by DOES may lose benefits.
3. Save the envelope in which you received the DOES decision you are appealing. Bring the envelope to the hearing. It may help show that you filed your appeal on time.
4. Complete the following for CLAIMANT or EMPLOYER, and sign below.

CHECK ONE: I AM: THE CLAIMANT

OR THE EMPLOYER

Claimant's Name: \_\_\_\_\_

Employer's Name: \_\_\_\_\_

Soc. Sec. No. (last four digits): XXX-XX

Representative (if any): \_\_\_\_\_

Representative (if any): \_\_\_\_\_

Claimant's FULL Address (with unit number, zip code):  
\_\_\_\_\_  
\_\_\_\_\_

Employer's/Rep.'s FULL Address (with unit number, zip code):  
\_\_\_\_\_  
\_\_\_\_\_

Claimant's Telephone: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Claimant's Email: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

\*Do you consent to service by email?  Yes  No

Employer's/Rep.'s Telephone: \_\_\_\_\_

If you most recently worked for the DC Government, state the agency, department or office for which you worked: \_\_\_\_\_

Employer's/Rep.'s Fax: \_\_\_\_\_

In addition to the attorneys listed in the attached documents, law students may be available to provide free legal assistance to claimants in DOES cases. Would you like us to share your contact information with a law school clinic for the purpose of representing you in your case?  
Yes  No

Employer's/Rep.'s Email: \_\_\_\_\_

\*Do you consent to service by email?  Yes  No

\*By checking YES, I consent, according to OAH Rule 2841.16, to receive orders or any other documents issued in the case by email.

YOUR REASON FOR FILING APPEAL: \_\_\_\_\_

Will you need an INTERPRETER for the hearing? If so, what LANGUAGE? \_\_\_\_\_

YOUR SIGNATURE: \_\_\_\_\_

TURN OVER FOR MORE INSTRUCTIONS



OAH UI FORM, Rev. 05-17







## UNEMPLOYMENT INSURANCE APPEAL FORM, PAGE 2



## ADDITIONAL INSTRUCTIONS

- **WHERE TO FILE:** You **MUST** file your appeal with the **Office of Administrative Hearings**. The Office of Administrative Hearings ("OAH") is not part of the Department of Employment Services. You cannot file your appeal at a DOES One-Stop Center or any other DOES office.

You may file an appeal by mail, in person, by fax or by email:

**By Mail or In Person.** You may file an appeal in person, weekdays between 9:00 a.m. and 5:00 p.m., or by mail at the following address. You will need photo identification to enter the building:

**Office of Administrative Hearings  
One Judiciary Square  
441 Fourth Street, NW, Suite 450 North  
Washington, DC 20001-2714**

**By Fax.** You may file an appeal by fax to (202) 442-4789. If possible, please include a copy of the Claims Examiner's Determination or other written decision you are appealing. Faxes received after 5:00 p.m. or on any non-business day are considered "filed" on the next business day. An appeal sent by fax will not be filed unless it is complete and legible when received.

**By Email.** You may file an appeal by email to **OAH.FILING@DC.GOV**. If possible, please attach a scanned copy of the Claims Examiner's Determination or other written decision you are appealing.

- **APPEAL DEADLINE:** Your appeal must be either postmarked by the U.S. Postal Service (not a private postage meter) or actually received by the Office of Administrative Hearings within **fifteen (15)** calendar days of the date DOES mailed the Claims Examiner's Determination to you. The date of mailing is usually stated on the Claims Examiner's Determination. The deadline runs from the date DOES mailed the Determination to you, not from the date you received it. If the Claims Examiner's Determination was NOT mailed to you, or if it was not mailed to your correct address, you must file within **fifteen (15)** calendar days of actual delivery of the Claims Examiner's Determination.

If the 15-calendar-day filing deadline falls on a Saturday, Sunday or a legal holiday, the deadline is extended to the next business day.

The appeal deadline may be extended if an administrative law judge finds "good cause" or "excusable neglect" for a delay. The person filing the appeal bears the burden of proving at the hearing that there was a good reason for the delay. **If you file an appeal late without a good reason, your case may be dismissed.**

**No one is authorized to give you different instructions about the deadline.**

- **RULES:** The Rules of Procedure for the Office of Administrative Hearings may be found at [www.oah.dc.gov](http://www.oah.dc.gov) and in the Office of Administrative Hearings Resource Center. **Please Note: \*By checking the YES box, I consent, according to OAH Rule 2841.16, to receive orders or any other documents issued in this case by email.**
- **FURTHER INFORMATION:** For further information about this document or filing an appeal, please call (202) 442-9094 or visit the Office of Administrative Hearings weekdays from 9:00 a.m. to 5:00 p.m., One Judiciary Square, 441 Fourth Street, NW, Suite 450 North, Washington, DC 20001-2714.

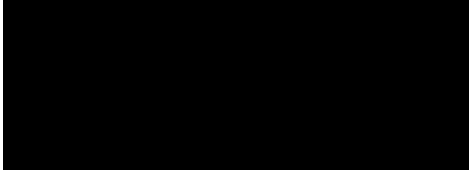
Declaration of Jennifer Mezey

Signed January 5, 2022

**Attachment B**

District of Columbia Government  
Department of Employment Services  
Office of Unemployment Compensation - Benefit Payment Control  
4058 Minnesota Ave, N.E., Suite 4305 - Washington, D.C. 20019  
Telephone: (202) 698-5111; TTD (202) 546-8476

**NOTICE OF DETERMINATION BY CLAIMS EXAMINER**



Mailing Date of Notice: 01/07/2021  
Social Security No.: XXX-XX-XXXX  
Claims Examiner: [REDACTED]  
Issue No.: 1

You are hereby notified of the following determination outlining your non-fraud overpayment.

You failed to report your earnings from [REDACTED] for the week(s) ending: 03/14/2020 through 03/21/2020.

The District of Columbia Unemployment Compensation Act provides that an individual shall be disqualified from receiving benefits if it is found that he/she made a false representation knowing it to be false, or knowingly failed to disclose a material fact in order to obtain or increase unemployment compensation. The period of disqualification may be for all or part of the remainder of the benefit year and for a period of not more than one year commencing with the end of such benefit year, pursuant to D.C. Code, Title 51-119(e)(1).

As federally mandated by the U.S. Department of Labor, effective October 1, 2014 all unemployment compensation payments made on or after October 21, 2013 that were determined by the Agency to be fraudulent will be assessed a monetary penalty of 15%. This 15% penalty is to be paid in addition to the actual amount of the fraudulent overpayment.

**APPEAL RIGHTS**

You may appeal this determination by requesting a hearing with the Office of Administrative Hearings either by mail, in person, by email or by fax. The appropriate form to file a hearing request is available at the Office of Administrative Hearings or at [www.oah.dc.gov](http://www.oah.dc.gov). A hearing request may not be mailed to or filed with an American Job Center or any other entity of the Department of Employment Services. All requests must be accompanied by a copy of the determination that you wish to appeal. Any appeal submitted by fax may be faxed to: (202) 442-4789.

Any appeal submitted by mail or in person may be mailed or brought to:

The Office of Administrative Hearings  
One Judiciary Square  
441 4th Street NW  
Washington, D.C. 20001-2714

Your hearing request must be received by the Office of Administrative Hearings within fifteen (15) calendar days of the mailing date of this notice. If the deadline falls on a Saturday, Sunday, or legal holiday, it is extended to the next business day. Failure to file a hearing request or to adhere to these instructions within the deadline subjects your appeal to dismissal.

For further information concerning an appeal at the Office of Administrative Hearings, you may call (202) 442-9094.

**CERTIFICATE OF MAILING**

I certify that a copy of this document was mailed to the claimant named herein at the above address on 01/07/2021:



"Pursuant to DC Code §51-111(k)(2), all correspondence, notice, determinations, or decisions issued by the Director may be signed by an electronic signature that complies with the requirements of §28-4917 and Mayor's Order 2009-118, issued June 25, 2009. The unique number in the signature line is the claims examiner's electronic signature. It is the attestation of and to all statements in the determination."

**51-119. PENALTIES FOR FALSE STATEMENTS OR REPRESENTATIONS**

(a) Whoever makes a false statement or representation knowing it to be false, or knowingly fails to disclose a material fact to obtain or increase any benefit or other payment provided for in this chapter or under an employment security law of any other state, of the federal government, or a foreign government for himself or any other individual, shall for each such offense, be fined not more than \$100 or imprisoned not more than 60 days or both.

(b) Any employing unit, and any officer or agent of any employing unit or any other person, who furnishes a false record or makes a false statement or representation, knowing it to be false, or who knowingly fails to disclose a material fact to avoid the payment of any or all the contributions required of such employing unit under this subchapter, or to prevent or reduce the payment of benefits to any individual entitled thereto, or who fails or refuses to pay the contributions or other payment or to furnish any reports required of him under this subchapter, shall for each such offense be fined not more than \$1,000 or imprisoned not more than 6 months, or both. For purposes of this subsections an officer of a corporation charged with any duty required by this subchapter shall be personally liable to prosecution under this section.

(c) Any person who shall willfully violate any provision of this chapter or any rule or regulation thereunder, the violation of which is made unlawful or the observance of which is required under the terms of this chapter, and for which a penalty is neither prescribed herein nor provided by any other applicable statute, shall be punished by a fine of not more than \$200 or by imprisonment for not longer than 60 days, or by both such fine and imprisonment, and each day such violation continues shall be deemed to be a separate offense.

(d) Any person who has received any sum as benefits under this chapter to which he is not entitled shall, at the discretion of the Director, be liable to repay such sum to the Director, to be re-deposited in the Fund, be liable to have such sum deducted from any future benefits payable to him under this chapter, or may have such sum waived in the discretion of the Director; provided, however, that no such recoupment from future benefits shall be had if such sum is received by such person without fault on his part and such recoupment would defeat the purpose of this chapter or would be against equity and good conscience, or in the discretion of the Director such recoupment has been waived. In any case in which, under subsection, a claimant is liable to repay to the Director any sum, such sum may be collected without interest, by civil action in the name of the Director. The disbursing officer and certifying officer of the Director shall not be held liable for any amounts certified or paid by them, in good faith, prior to July 25, 1958, or subsequent thereto, to any person where the refund, recoupment adjustment, or recovery of such amount is waived under this subsection or where such refund, recoupment, adjustment, or recovery under this subsection is not completed prior to the death of the person against whom such refund, recoupment, adjustment, or recovery has been authorized.

(e) (1) Any person who the Director finds has made a false statement or representation knowing it to be false, or who knowingly fails to disclose a material fact to obtain or increase any benefit under this chapter may be disqualified for benefits for all or part of the remainder of such benefit year and for a period of not more than 1 year commencing with the end of such benefit year. Such disqualification shall not affect benefits otherwise properly paid after the date of such fraud and prior to the date of the ruling of disqualification.

(2) All findings under this subsection shall be made by a claims deputy of the Director and such findings shall be subject to review the same manner as all other disqualifications made by a claims deputy of the Director.

(3) Beginning on October 21, 2013, at the time the Director determines an erroneous payment was made to an individual due to fraud committed by such individual, the Director shall assess a penalty on the individual in an amount of 15% of the amount of the erroneous payment. Penalties paid pursuant to this paragraph shall be deposited in the District Unemployment Fund, established by section 2. The penalty assessed by this paragraph shall not be deducted from any future benefits payable to claimant under this act. The 15% penalty is assessed only on the regular unemployment overpayment, and must be paid in addition to the actual amount of the fraudulent overpayment. The penalty does not apply to Federal Pandemic Unemployment Compensation (FPUC), Pandemic Emergency Unemployment Compensation (PEUC), or Pandemic Unemployment Assistance (PUA) benefit amounts that are overpaid.

Declaration of Jennifer Mezey

Signed January 5, 2022

**Attachment C**

District of Columbia Government  
Department of Employment Services  
Office of Unemployment Compensation - Benefit Payment Control  
4058 Minnesota Ave, N.E., Suite 4305 - Washington, D.C. 20019  
Telephone: (202) 698-5111; TTD (202) 546-8476

**NOTICE OF DETERMINATION OF OVERPAYMENT**



Mailing Date of Notice: 01/07/2021  
Social Security No.: XXX-XX-XXXX  
Benefit Year Ending: 10/10/2020  
Issue No.: 1

A nonfraud overpayment determination has been made on your unemployment compensation claim that you have received benefit payments to which you were not entitled due to misreported and/or unreported earnings during the weeks the benefits were claimed.

Weeks Overpaid: 03/14/2020 through 03/21/2020  
Amount of Overpayment: \$755.00  
Total Overpaid: \$755.00

Our determination was made in accordance with the provisions of Title 51, Section 119 of the District of Columbia Unemployment Compensation Act, which is printed on the back of this form. This determination will become final on 01/22/2021. We may offset future benefits that you are eligible to receive, intercept federal or state income tax refunds or seek court ordered restitution to recover this payment. You will be required to repay the Department of Employment Services the amount you have been overpaid. In addition, as federally mandated by the U.S. Department of Labor, effective October 1, 2014 all unemployment compensation payments made on or after October 21, 2013 that were determined by the Agency to be fraudulent will be assessed a monetary penalty of 15%. This 15% penalty is to be paid in addition to the actual amount of the fraudulent overpayment. This 15% penalty is assessed only on the regular unemployment overpayment, and must be paid in addition to the actual amount of the fraudulent overpayment. The 15% penalty amount does not apply to any Federal Pandemic Unemployment Compensation (FPUC), Pandemic Emergency Unemployment Compensation (PEUC), or Pandemic Unemployment Assistance (PUA) benefit amounts that are overpaid.

Failure on your part to voluntarily satisfy this liability may result in collection by civil or criminal action against you in the name of this agency. The balance due may be repaid in either of two ways. You may mail your check or money order, made payable to the Department of Employment Services, to the address above, or you may report in person to suite 4305 at the address above. If you report in person, you must have an appointment. Please call the telephone number above to make an appointment.

**APPEAL RIGHTS**

You may appeal this determination by requesting a hearing with the Office of Administrative Hearings either by mail, in person, by email or by fax. The appropriate form to file a hearing request is available at the Office of Administrative Hearings or at [www.oah.dc.gov](http://www.oah.dc.gov). A hearing request may not be mailed to or filed with an American Job Center or any other entity of the Department of Employment Services. All requests must be accompanied by a copy of the determination that you wish to appeal. Any appeal submitted by fax may be faxed to: (202) 442-4789.

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**CERTIFICATE OF MAILING**

I certify that a copy of this document was mailed to the claimant named herein at the above address on 01/07/2021:



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(b) Any employing unit, and any officer or agent of any employing unit or any other person, who furnishes a false record or makes a false statement or representation, knowing it to be false, or who knowingly fails to disclose a material fact to avoid the payment of any or all the contributions required of such employing unit under this subchapter, or to prevent or reduce the payment of benefits to any individual entitled thereto, or who fails or refuses to pay the contributions or other payment or to furnish any reports required of him under this subchapter, shall for each such offense be fined not more than \$1,000 or imprisoned not more than 6 months, or both. For purposes of this subsections an officer of a corporation charged with any duty required by this subchapter shall be personally liable to prosecution under this section.

(c) Any person who shall willfully violate any provision of this chapter or any rule or regulation thereunder, the violation of which is made unlawful or the observance of which is required under the terms of this chapter, and for which a penalty is neither prescribed herein nor provided by any other applicable statute, shall be punished by a fine of not more than \$200 or by imprisonment for not longer than 60 days, or by both such fine and imprisonment, and each day such violation continues shall be deemed to be a separate offense.

(d) Any person who has received any sum as benefits under this chapter to which he is not entitled shall, at the discretion of the Director, be liable to repay such sum to the Director, to be re-deposited in the Fund, be liable to have such sum deducted from any future benefits payable to him under this chapter, or may have such sum waived in the discretion of the Director; provided, however, that no such recoupment from future benefits shall be had if such sum is received by such person without fault on his part and such recoupment would defeat the purpose of this chapter or would be against equity and good conscience, or in the discretion of the Director such recoupment has been waived. In any case in which, under subsection, a claimant is liable to repay to the Director any sum, such sum may be collected without interest, by civil action in the name of the Director. The disbursing officer and certifying officer of the Director shall not be held liable for any amounts certified or paid by them, in good faith, prior to July 25, 1958, or subsequent thereto, to any person where the refund, recoupment adjustment, or recovery of such amount is waived under this subsection or where such refund, recoupment, adjustment, or recovery under this subsection is not completed prior to the death of the person against whom such refund, recoupment, adjustment, or recovery has been authorized.

(e) (1) Any person who the Director finds has made a false statement or representation knowing it to be false, or who knowingly fails to disclose a material fact to obtain or increase any benefit under this chapter may be disqualified for benefits for all or part of the remainder of such benefit year and for a period of not more than 1 year commencing with the end of such benefit year. Such disqualification shall not affect benefits otherwise properly paid after the date of such fraud and prior to the date of the ruling of disqualification.

(2) All findings under this subsection shall be made by a claims deputy of the Director and such findings shall be subject to review the same manner as all other disqualifications made by a claims deputy of the Director.

(3) Beginning on October 21, 2013, at the time the Director determines an erroneous payment was made to an individual due to fraud committed by such individual, the Director shall assess a penalty on the individual in an amount of 15% of the amount of the erroneous payment. Penalties paid pursuant to this paragraph shall be deposited in the District Unemployment Fund, established by section 2. The penalty assessed by this paragraph shall not be deducted from any future benefits payable to claimant under this act.

Declaration of Jennifer Mezey

Signed January 5, 2022

**Attachment D**



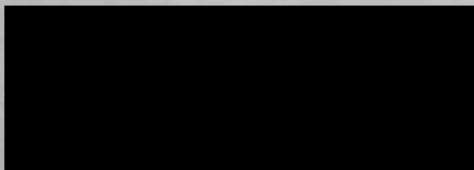
Government of The District of Columbia



Department of Employment Service

Office of Unemployment Compensation - 4058 Minnesota Ave. N.E. Washington, D.C. 20019 Telephone: (202) 698 - 5111

**NOTICE OF DETERMINATION OF OVERPAYMENT**



DATE:	[REDACTED]/2021
SOC.SEC.NO:	XXX-XX-[REDACTED]

This is to advise you that you have an existing overpayment of \$22871.00. If you are determined eligible on the claim you have just filed, all benefits payable to you will be applied to reduce your overpayment. No benefits will be paid directly to you until this overpayment is totally repaid.

The Benefit Control Unit  
Office of Unemployment Compensation

Declaration of Jennifer Mezey

Signed January 5, 2022

**Attachment E**



Government of the District of Columbia

Department of Employment Service

Office of Unemployment Compensation • Benefit Payment Control Branch • 4056 Minnesota Ave. N.E. • 4th Floor Benefits • Washington, D.C. 20019 • Phone: 202-698-51

**BENEFIT OFFSET RECEIPT**

XXX XX [REDACTED]  
SOC. SEC. NO.

[REDACTED]/2021  
DATE

82  
LOCAL OFFICE

THE PROCEEDS FOR YOUR CLAIM(S) FOR WEEK(S) ENDED 04/10/2021  
THRU 04/17/2021

HAVE BEEN APPLIED AS FOLLOWS:

CREDIT AGAINST OVERPAYMENT \$1488.00



CHECK ISSUED TO YOU \$0.00

WASHINGTON DC 20011-0011

BALANCE OF OVERPAYMENT \$0.00

# Signature Certificate

Document Ref.: EJ4V5-VTKIP-QWGEO-8RXUC

Document signed by:

	<p><b>Jennifer Mezey</b> Verified E-mail: jmezey@legalaidc.org</p>	
<p>IP: 72.66.79.185      Date: 05 Jan 2022 17:10:59 UTC</p>		

Document completed by all parties on:

05 Jan 2022 17:10:59 UTC

Page 1 of 1



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