

## 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](http://www.dwd.state.wi.us/ui/law.htm) or from the Unemployment Insurance Division of the Department of Workforce Development.

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