

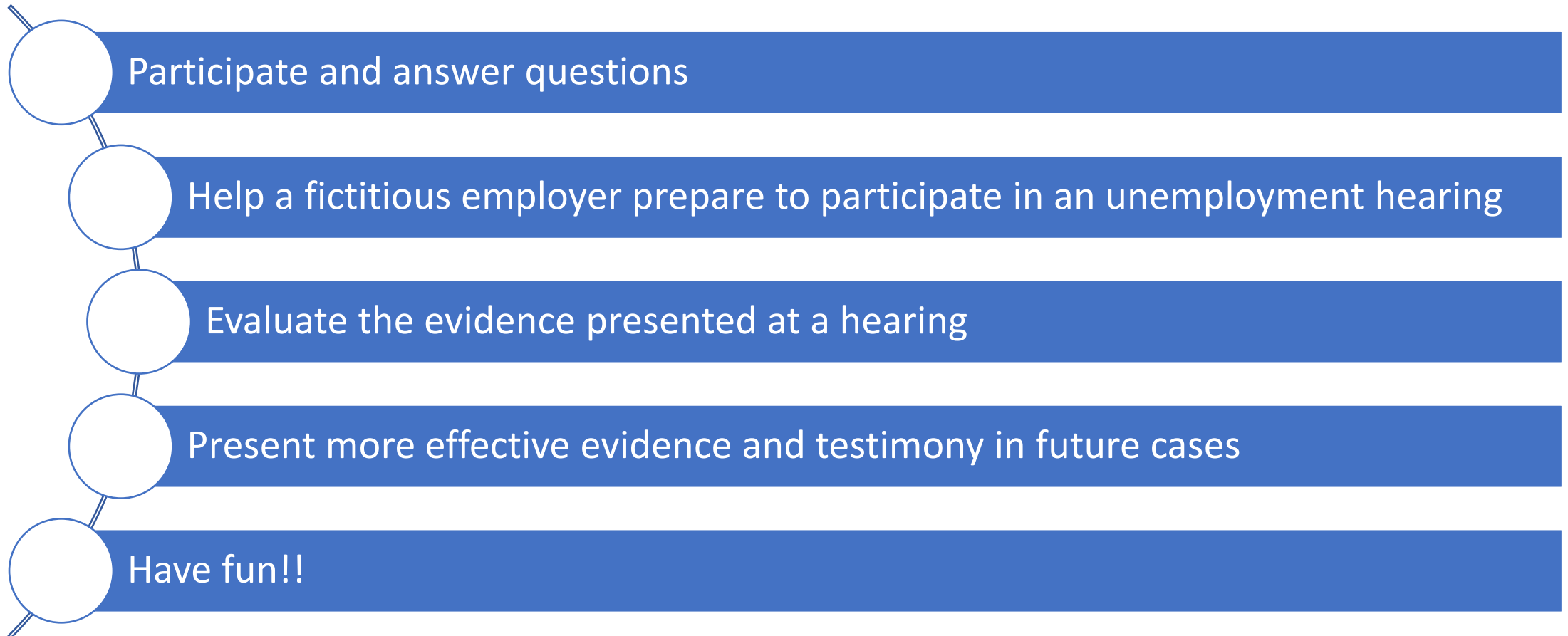
# UI CLAIMS APPEAL HEARING WORKSHOP

**Moderator: Wayne Rottger**

Product Intelligence Manager

Experian Employer Services

# Our Goals for You

- 
- Participate and answer questions
  - Help a fictitious employer prepare to participate in an unemployment hearing
  - Evaluate the evidence presented at a hearing
  - Present more effective evidence and testimony in future cases
  - Have fun!!

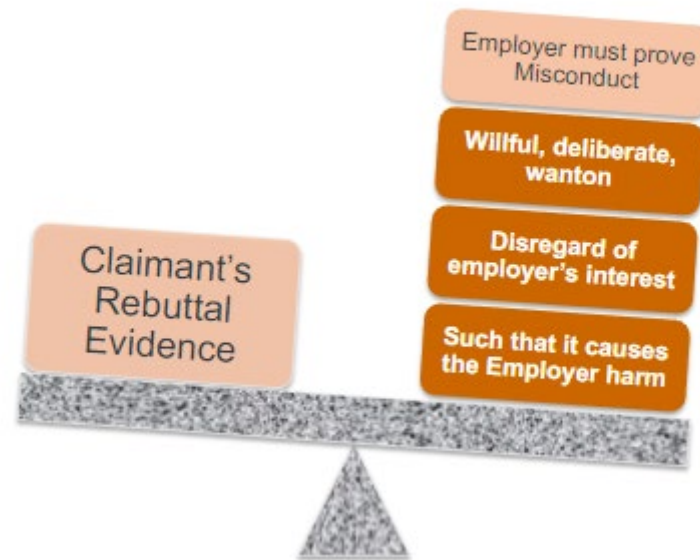
# Agenda

Prep for the hearing  
– audience  
participation

Mock Hearing:  
Wesson v. Gateway  
Department Store

Questions and  
Comments

# Discharge Case - The Burden of Proof



# Case Summary

- The claimant, a female employee at Gateway Department Store, was discharged for possessing a firearm on company property.
  - She has a concealed carry permit.
  - Per company policy, all associates are required to carry a clear plastic purse.
  - The gun was discovered by a customer in a clear purse in the ladies' restroom which was reported to management.
  - The claimant did not deny the purse and gun were hers, but maintains she has a right to carry.
  - The claimant has been an employee for several years, received a copy of the employer's policies upon hire, and signed a handbook acknowledgement.
- 
- We will join the hearing that resulted from an **employer** appeal in a moment.....

# Poll Question 1

Based on the case summary, who should the employer call as witnesses?



# Poll Question 2

Based on the case summary, what physical evidence, if any, should the employer provide at the hearing?



# Potential Exhibits ?

- The employee handbook
- The worksite firearms policy that the claimant violated
- The claimant's signed acknowledgement of policy
- The customer's statement
- The surveillance video reviewed by Loss Prevention
- Prior warnings
- The investigation notes



# The Hearing.....

Claimant – Danielle Wesson

Employer – Gateway Department Store

# The Players

Claimant

**Danielle Wesson**

Jennifer Kim-Pierce -  
Attorney and Director,  
Hearings and Appeals

Michigan Health & Hospital  
Association Service  
Corporation

Store Manager

**June Johnson**

Tiffany Strauss - Sr. Director  
Employer Tax Services

Equifax Workforce Solutions

Loss Prevention Officer

**Sherlock Holmes**

Kevin Britt – Sr. Manager,  
Claims Services

Equifax Workforce Solutions

Employer Representative

James Weant – UI Program  
Relationship Manager

Equifax Workforce Solutions

ALJ / Judge

**Scott Keim**

Deputy Attorney General -  
General Counsel & Fair  
Hearings Division

State of Idaho

# Employer Exhibits 1

## **Gateway Department Store**

### **SAFETY:**

Our employees are required to follow all the company policies. Gateway Department Store is committed to providing a safe work environment for all employees. To further maintain a safe working environment, please see the following policy:

All employees are prohibited from bringing firearms, ammunition, and other types of weapons onto company property. The prohibition includes possessing weapons in a car while on company property. The only exception would be firearms permitted by law.

Failure to follow the policy will result in discipline up to and including termination.

# Employer Exhibits 2

## **Gateway Department Store**

### **Acknowledgement and Receipt of Handbook**

By electronically signing below, I acknowledge the receipt of the Gateway Department Store Handbook. The Handbook is designed to provide important information about my employment and Gateway Department Store policies. I understand that I am responsible for familiarizing myself and understanding all information contained in the Handbook.

Employee Signature: *Danielle Wesson*

Date: January 2, 2020

# Poll Question #3

**What will be the impact, if any, of the employer's failure to present the actual video and/or pictures, as evidence?**



# Poll Question #4

**Before we begin listening to the claimant's testimony, based on what has been introduced so far, do you believe the employer has presented a strong case?**

**Why or why not?**



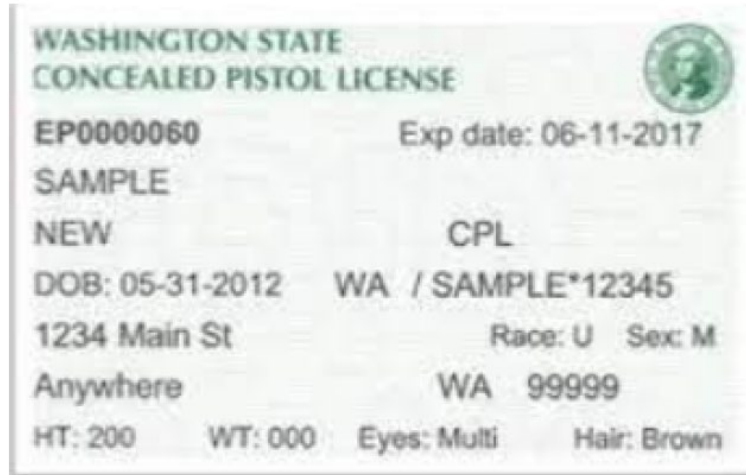
# Claimant's Exhibits 1 and 2

## State of Washington

### Department of Licensing - Concealed Pistol License

Danielle Wesson  
D.O.B 08/01/74  
Address: 1234 Main Street  
City: Spokane State: WA ZIP: 99210  
Date of issue: 7/15/18  
Date of expiration: 01/01/2025

Commissioner of Public Safety: *John Smith*



# Certificate

## Of Completion - Gun Safety

This is to certify Danielle Wesson has completed a course on gun safety and forthwith is eligible to carry a concealed weapon.

Course Completion: 1/11/18

Expiration Date: 3/25/25

Trainer: Arthur Castillo, *Arthur Castillo*

# Claimant Exhibits 3 and 4





# Poll Question #5

Earlier in the claimant's testimony, she argued that the employer's policy prohibiting firearms in the workplace would be trumped by her rights under the Constitution and state law?

Do you agree or disagree with this statement?



# Poll Question #6

The claimant, during her testimony, also focused on her workplace accomplishments and awards. Does / should this have any bearing on her discharge for violation of the employer's safety policy?

Why or why not?



# Employer Exhibits 1 and 2

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## Poll Question #7

# Who won?

