



DEPARTMENT OF
LABOR

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Lourdes A. Leon Guerrero
Governor

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Lieutenant Governor

**GENERAL DESCRIPTION OF APPEALS PROCESS
FOR PUA/FPUC/LWA PROGRAMS**

Contact Information:

Department of Labor
Appeals Hearing Officer/Referee Office
414 Soledad Ave.,
GCIC Bldg. 4th Floor, Suite 400
Hagatna, Guam 96910

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Determinations/Redeterminations by the Guam Department of Labor:

The Guam Department of Labor (GDOL) or its claims examiners or processors make the determinations or redeterminations regarding Pandemic Unemployment Assistance (PUA) benefits, Federal Pandemic Unemployment Compensation (FPUC) benefits, and/or Lost Wage Assistance (LWA), which are mailed to all parties involved in the case.

Benefits:

The determinations of PUA/FPUC/LWA benefits are based on the information and or other evidence provided by the applicant/claimant. As part of the determination process, the claims examiner conducts a fact-finding interview and determines whether the claimant can receive the PUA/FPUC/LWA benefits, or whether the claimant is disqualified, and/or whether the claimant has received overpayment of benefits.

Filing an Appeal:

If the claimant/recipient of the PUA/FPUC/LWA benefit determination or redetermination does not agree with the outcome, an appeal can be filed. All PUA/FPUC/LWA Determination Letters or forms contain information about the rights associated with that Determination.

If a claimant indicates on the Determination letter or form of his or her intent to appeal, the appeal must be filed within 10 days from the mailing date of the Determination. If an appeal is filed after 10 days, but within 30 days of the mailing date of the determination, the appealing party must establish good cause for not meeting the 10 day deadline in order for the appeals hearing officer/referee to hear the merits of the Determination under appeal.

Notice of Receipt of Appeal:

The appeal may be made by the claimant/recipient where benefits have been denied due to disqualification and/or where GDOL notified claimant/recipient of an overpayment of benefits. The appeal must be filed within 10 days from the mailing date of the determination or redetermination of disqualification and/or overpayment. Upon receipt of the appeal, the PUA/FPUC Appeals Office will issue a NOTICE OF RECEIPT OF APPEAL letter or form to the claimant.

If the claimant selects an Appeal, then this means that a hearing will be held before the PUA/FPUC/LWA Appeals hearing officer/referee to consider and receive the evidence and testimony, if any, from the claimant and or the Department or GDOL to determine whether the determination or redetermination was correct.

Hearing Date:

Once the PUA/FPUC/LWA Appeals Office receives the claimant's request for appeal in a timely manner, the case enters the jurisdiction of the GDOL PUA/FPUC/LWA Appeals Office. The Appeals Office shall promptly issue or send to both parties (the claimant and the Department Director or his designee) the NOTICE OF HEARING FOR APPEAL by first class, nonregistered, noncertified mail to the claimant's or party's last known address at least fifteen (15) days prior to the initial hearing date. The NOTICE OF HEARING FOR APPEAL will indicate the date, time, and location of the Appeal Hearing, the issue(s), and any other hearing procedure information.

Appeals Hearing:

All parties to the Appeal are provided an opportunity to appear at a hearing where an appeals hearing officer/referee takes relevant evidence and sworn testimony regarding the issue under consideration. The appeals hearing officer/referee will explain the hearing procedure and the issues to be heard. The parties have the right have representation at the hearing and to bring witnesses. Although the original decision of the GDOL claims examiner/processor is made part of the appeals hearing record, the appeals hearing officer/referee hears the case *de novo*, which means from the beginning, without being bound by the Department or GDOL claims examiner/processor determination or redetermination.

The appeal hearing is recorded. The recording, together with the case file containing any documents entered into evidence, becomes the official record of the appeals hearing by the hearing officer/referee. Once the hearing is concluded, the appeals officer/referee issues a written decision which contains his/her findings of fact and decision based on law.

Reopening or Reconsideration:

If party did not attend a hearing and would like to request that the hearing be reopened so that they can provide testimony, documents, and witness, the claimant can file a REQUEST FOR REOPENING within thirty (30) days of the hearing officer/referee's written appeals decision for the missed hearing. A request for reopening or reconsideration will only be granted once and only if the party demonstrates and or states sufficient good cause to reopen the appeal before Appeal Office hearing officer/referee.

Judicial review:

If a party disagrees with or disputes the hearing officer/referee's written appeal decision, a party may seek judicial review of the hearing officer/referee's written decision by filing a petition for a writ of mandate in the Superior Court of Guam. You must file your judicial appeal within 30 days from the mailing date of the hearing officer/referee's written decision, or if a reopening request was filed, within 30 days from the mailing date of the appeals officer/referee's written reopening decision. *See e.g., 5 G.C.A. §9241.*

After filing a writ of mandate or notice of appeal with the Superior Court of Guam, the appealing party shall provide a copy of the notice of judicial appeal or notice of writ of mandate to the PUA/FPUC/LWA Appeals Office pursuant to 5 G.C.A. §9241 requirements, and the PUA/FPUC/LWA Appeals Office will prepare the record and transmit it to the parties and the GDOL may transmit the same to the Superior Court for review.