

CIVIL DISTRICT COURT FOR THE PARISH OF ORLEANS

Unemployment Compensation Benefits:
Filing guidelines for unrepresented claimants

YOU MAY BE ELIGIBLE FOR FREE LEGAL ASSISTANCE. Contact the **NEW ORLEANS LEGAL ASSISTANCE CORPORATION**, 144 Elk Place, 10th Floor, New Orleans, LA 70112 (504/529-1000) to see if they can help.

HOW TO COMPLETE YOUR LAWSUIT ON YOUR OWN:

- 1. FILL OUT THE PETITION.** If you complete the petition on your own, read the following instructions carefully and fill in the blank lines in the petition. TYPE OR PRINT CLEARLY. **By law (LSA-R.S. 23:1692) you cannot be charged to have your petition filed or delivered, unless a judge makes an order and finds your lawsuit frivolous.** Tell the clerk that your case is about unemployment compensation benefits, so no fees will be charged. If the decision you are appealing does not list an ex-employer's name, you do not have to put your ex-employer's name at the top of the petition or complete line 5 of the petition. Look for any employer's name at the top of the first page of the agency decision. Mistakes in the petition can harm your case, so if you have time to get legal advice, talk with a lawyer. Remember that your time to file a petition is limited.
- 2. FILE WITH THE CLERK OF COURT.** Make at least 3 copies of the petition and then file with the Clerk of Court. The Clerk of Court will need your original petition. The Clerk of Court will also want you to fill out a Civil Cover Sheet. If you are asked to pay a filing fee, remind the staff that you are seeking unemployment compensation benefits and do not have to pay a filing fee. Get an extra copy of the petition date-stamped so you will have proof of filing for your own records.
- 3. GO TO THE SHERIFF'S OFFICE.** Give them 1 copy for the unemployment compensation agency and 1 copy for your ex-employer (if the decision you are appealing lists an employer). A deputy will "serve" (deliver) the copies, without charge.
- 4. GET YOUR CASE SET FOR HEARING BEFORE THE JUDGE.** After service is made, the agency has 60 days to file the record of your claim with the judge and send a copy to you. If you move after filing your petition, notify the agency in writing and file a copy with the court. Consult a lawyer if possible; it is difficult to comply with court rules and to make the proper legal arguments without one. However, if you cannot get representation, you can seek a hearing with the judge after the agency deadline to file the record has passed.

- (d) affected by other errors of law;
- (e) clearly erroneous in view of the entire record as submitted and the public policy contained in the act of the legislature authorizing the decision; and/or
- (f) not supported by facts established by sufficient, competent evidence.

WHEREFORE, petitioner respectfully requests:

- (1) That the final decision of the Board of Review be reversed and set aside and petitioner promptly paid all due benefits;
- (2) If necessary, that the case be remanded to the Board of Review for rehearing or other appropriate proceedings;
- (3) For such other relief as may be just and proper.

Signature

Name (Please Print)

Address

Telephone

PLEASE SERVE:

GAREY FORSTER, Secretary (Two Copies)
Louisiana Department of Labor
Office of Employment Security
1001 North 23rd Street
Baton Rouge, LA 70804