

2009

Tyler R. Johnson v. Dept. of Workforce Services : Brief of Appellant

Utah Court of Appeals

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Tyler Johnson; Petitioner, Pro se.

Suzan Pixton; Attorney for Respondent.

Recommended Citation

Brief of Appellant, *Johnson v. Workforce Appeals Board of the Utah Department of Workforce Services*, No. 20090003 (Utah Court of Appeals, 2009).

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UTAH COURT OF APPEALS

Appellant Brief

**Tyler R. Johnson
Appellant,**

Vs.

**Dept. of Workforce Services
Appellee**

**Case No. 20090003
District Ct. No. 08-B-00586**

FILED
UTAH APPELLATE COURTS
30 411
JUL 29 2009

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IN THE COURT OF APPEALS

**Tyler R. Johnson
Appellant,**

Vs.

**Dept. of Workforce Services
Appellee**

Appellant Brief

**Case No. 20090003
District Ct. No. 08-B-00586**

On May 12, 2008 I was terminated from my previous employer due to allegations towards me that were untrue. I filed for unemployment a few days later. While filing I had a few questions. So I called DWS. They answered my questions and I followed their instructions. The second week, I had a few more questions so I called DWS again and spoke to a Mr. Hernandez, who after answering my questions, instructed me not to file my weekly benefits, because my case was going to


be a legal matter and the judge would decide if I'm granted unemployment. I was granted unemployment on July 16, 2008 by Judge Roman Rubalcava. A few weeks went by and I did not receive any benefits. So I called DWS again and spoke to Collin and asked him why I have not received any of my benefits. He told me that my file had been closed because I never filed for my weekly benefits. I explained to him the instructions that Mr. Hernandez gave me and all Collin could do is reopen my claim and submit it to the DWS board. (My court case was dismissed on Oct. 22, 2008, because my previous employer could not provide any evidence of wrong doing).

On Aug. 9, 2008 my benefit case was reopened. After numerous meetings on the phone with various employees from DWS, I appealed several other judgments. On Oct. 9, 2008 Judge Valerie Argyle denied my request for back dating my unemployment benefits. On Nov. 6, 2008 I appealed Judge Valerie Argyle's decision. On Dec. 4, 2008 the DWS Board reviewed my appeal and they "affirmed" Judge Valerie Argyle's decision. My final appeal was reviewed by the DWS Board on Dec. 19, 2008, and they referred me to the Court of Appeals for further action.

This is my first time ever filing for unemployment. I followed the instructions that were given to me by Mr. Hernandez. I trusted Mr. Hernandez to guide me through all the steps I had questions on. In the end, I was told that I was given false directions. However, no one at DWS will take responsibility for misguiding me and

grant me my deserved benefits. The automated greeting for DWS states that phone calls may be recorded for quality assurance and training purposes. I've requested multiple times to have my phone conversation with Mr. Hernandez reviewed, but to no avail.

We feel that there will be an honest and unbiased review of our case. By having the Court of Appeals review our documents we feel that we will be able to continue to represent ourselves in this matter. If we are in any way unprepared or uninformed with the paper work needed, we trust that this matter will be brought to our attention for a fair and just hearing.



(Signature)

Date: 7-28-09

CERTIFICATE OF SERVICE

JUL 30 2009

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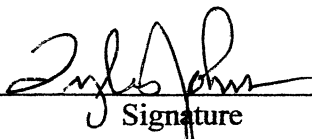
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