

1993

Georgina Valls v. Department of Employment Security : Brief of Appellant

Utah Court of Appeals

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Georgina Valls; pro se.

Emma R. Thomas, K. Allan Zabel; attorneys for respondent.

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IN THE UTAH COURT OF APPEALS

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GEORGINA VALLS,
Plaintiff/Appellant,

)
)

APPELLANT'S BRIEF

-v-

)

DEPARTMENT OF EMPLOYMENT
SECURITY,
Defendant/Appellee

)
)
)

Court of Appeals Case
Nr. 930830 CA

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APPEAL FROM THE BOARD OF REVIEW,
THE INDUSTRIAL COMMISSION OF UTAH,
STATE OF UTAH, COMMISSIONER STEPHEN M.HADLEY

DEPARTMENT OF EMPLOYMENT
SECURITY
140 E 300 S
SALT LAKE CITY, UT 84147
Defendant/Appellee

GEORGINA VALLS
3827 S 300 E Nr. 6
SALT LAKE CITY,
UTAH 84115
Plaintiff/Appellant

TABLE OF CONTENTS

STATEMENT OF ISSUES PRESENTED FOR REVIEW	Page 1
RELIEF SOUGHT ON APPEAL	2
STATEMENT OF THE CASE	2
STATEMENT OF FACTS	2
SUMMARY OF ARGUMENT	3

TABLE OF AUTHORITIES

RULES

Utah Administration Code - Unemployment Insurance Rules
Code R562-4c-1, 1993

STATUTES

Utah Code R562-4c-3, Available
Utah Code R562-4c-3.1.a(1) and (2)
Utah Code R562-4c-3.3.a
Utah Code R562-4c-3.4.(1), (2), (3), (4) and (5)
Utah Code R562-4c-3.5.a
Utah Code R562-4c-3.5.(3)
Utah Code R562-4c-3.7
Utah Code R562-4c-4.2

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STATEMENT OF ISSUES PRESENTED FOR REVIEW

Appeal from the decision of the Board of Review, the Industrial Commission of Utah, State of Utah, denying Ms. Georgina Valls the unemployment benefits for the period of June 27 to September 24, 1993.

RELIEF SOUGHT ON APPEAL

The decision of the Board of Review to be reversed to authorize the payment of the unemployment benefits to Ms. Georgina Valls for the period of June 27 to September 24, 1993.

STATEMENT OF THE CASE

I was eligible, able and available to work immediately (starting June 27 1993) 40 hours a week.

STATEMENTS OF THE FACTS

I had been working for almost two years prior to the 27 June 1993 for less than 40 hours a week. According to general requirement for availability, I am initially considered available without regard to that restriction. At the time of the claim, I was authorized, ready and willing to work 40 hours a week.

My ability to work was subject to the need or desire of any U.S. employer to hire me because of my skills and experience, and not by means of personal economic necessity.

Even though my claim for unemployment benefits was denied stating that any person has to be able to accept work immediately, there are several rules (Unemployment Insurance Rules - Utah Code R562-4c-1, 1993) that contradict this reason. In the case, for instance, of wage restriction, the claimant is allowed to file for up to 2/3 of his weeks of entitlement before he is forced to accept any job for less than the desired wage. These 2/3 would be in most cases more than 60 days. The Administrative Law Judge did not consider that some companies have a permanent job order with the Job Service asking for certain type of employees. In this case, the document authorizing these companies to hire me would be signed immediately by the Department of Labor and I could start working immediately also.

The company that I was working for before the time of unemployment, had paid all the dues to the Job Service as unemployment taxes for me, every quarter.

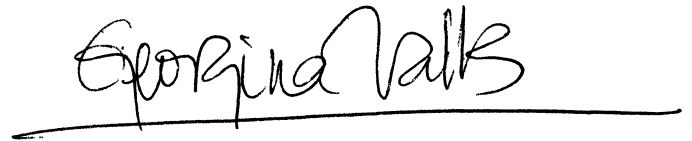
I have complied with all the requirements of the Employment Security Department, attended a workshop, met the number of companies interviewed in-person, as well as other many contacts by phone.

SUMMARY OF ARGUMENT

I believe that the decision of the Board of Review is discriminatory, as it was the decision of the Administrative Law Judge. I consider my petition for payment of unemployment benefits to be legitimate and appropriate according to the facts stated before.

Dated this 25th day of May, 1994.

Georgina Valls
3827 So 300 E Nr. 6
Salt Lake City, Utah 84115

A handwritten signature in dark ink that reads "Georgina Valls". The signature is written in a cursive, flowing style. Below the signature is a single horizontal line that spans the width of the signature.

Certificate of mailing

I hereby certify that I mailed a true and correct copy of the foregoing docketing statement by depositing the same in the United States mail, postage prepaid to the following:

Department of Employment Security
140 E 300 So 2nd Floor
Salt Lake City, Ut 84147

Dated this 25th day of May, 1994.