



Legal Services of Greater Miami, Inc. Unemployment Compensation Advocacy Project

WHAT

The Unemployment Compensation Advocacy Project (“UCAP”) helps alleviate the widespread strain of unemployment by providing first-rate advocacy for the indigent unemployed, collaborating with other advocates to identify statewide issues affecting Florida’s unemployed, and providing community education to those most affected by the unemployment epidemic.

WHY

In August 2011, unemployment in Florida reached an all-time high of 10.7 percent. This rate continues to climb.

Florida now has the sixth highest unemployment rate in the country, trailing only the District of Columbia and four other states.

HOW

The Project helps clients by:

- Representing clients in their initial unemployment hearings;
 - Representing clients in appeals to the Unemployment Appeals Commission and the District Courts of Appeal;
 - Educating clients and the community on the eligibility requirements of Florida’s unemployment compensation program; and
 - Working with other advocates to identify common issues in order to identify opportunities for impact litigation.
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WHO

LSGMI provides free civil legal services to the neediest individuals within our community. Our clients are primarily women, children, seniors, and the working poor. In many cases, we are the safety net preventing these individuals from becoming homeless or dependent on welfare. On a daily basis, our team of attorneys, who are organized into legal specialty units and projects, provides high quality representation to clients with problems relating to housing, health care, education, disability benefits, family issues, and employment.

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Unemployment Compensation Advocacy Project Typical Cases

- L.G. resigned from his job when his employer cut his salary. After he had received unemployment benefits for well over a year, the Agency for Workforce Innovation (the state agency charged with administering Florida's unemployment program) notified L.G. that he was ineligible to receive benefits because he had quit his job without good cause. To make matters worse, L.G. was informed that he had to pay back the nearly \$18,000 of benefits he had received during the previous year. L.G. could not afford to pay back the massive overpayment with which he had been charged, and became homeless after his benefits stopped. LSGMI helped L.G. appeal and represented him at his hearing, successfully arguing that L.G. had demonstrated good cause to quit his job due to the employer's unilateral and substantial reduction of his salary. As a result, L.G.'s benefits were restored and the overpayment was removed.
- J.A. worked as a dishwasher for several years at a local nursing home. Eventually, the chemicals emitted from an industrial-strength dishwasher caused him to contract pulmonary disease. J.A. brought a doctor's note to his employer and requested that he be transferred to a position where he would no longer be exposed to dangerous chemicals. J.A.'s employer told him that no other position was available, and that he could only come back to work if he could be around the chemicals. When J.A. filed for unemployment, the employer challenged his claim, arguing that J.A. was on a "voluntary leave of absence." J.A. was unrepresented at his initial hearing and lost his appeal. LSGMI represented him in his second appeal before the Unemployment Appeals Commission and secured a reversal of the Appeals Referee's decision, successfully arguing that J.A. was on an involuntary leave of absence due to the employer's failure to provide him with work away from the dangerous chemicals that caused and exacerbated his pulmonary disease. As a result, J.A. received the benefits to which he was entitled.
- J.P., who suffers from hypoglycemia, was forced to work for over six hours without a break because no one was available to relieve her from her post to take a lunch break at her normal time. When her blood sugar plummeted, a co-worker who noticed that she was pale and shaking brought her a bagel to eat. Witnessing her taking a bite of the bagel, the manager immediately fired J.P. for violating the employer's "no eating while not on break" policy. J.P.'s employer then fought her claim for unemployment benefits, arguing that J.P. had committed misconduct so severe as to disqualify her from benefits. LSGMI represented J.P. at her hearing, successfully arguing that J.P.'s actions were a far cry from willful misconduct sufficient to disqualify her from benefits. As a result she was awarded benefits to which she was entitled.