

# WISCONSIN UNEMPLOYMENT INSURANCE

## Attending an Unemployment Insurance Hearing

### What Employees and Employers Need to Know

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This booklet describes the Wisconsin Unemployment Insurance hearing process

<https://dwd.wisconsin.gov/uibola>

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#### Important!

Read this booklet and keep it.

This booklet contains information you will need in the appeal process. If you still have questions after you read these pages, contact the hearing office listed on the reverse side of the determination. The hearing office can tell you about general hearing procedures but cannot help prepare your case or give you advice about the merits of the case.

If you have questions about the payment of benefits or issues not under appeal, call:

Employee: (414) 435-7069 or toll-free at (844) 910-3661  
Employer: (414) 438-7705  
Fax: (608) 260-3060  
TTY: 7-1-1

Refer to the Handbook for Claimants online at <https://dwd.wisconsin.gov/uiben/handbook>.

**If you are the employee and your appeal is pending, you should continue to file weekly claim certifications until the appeal process is over.** If you stopped claiming unemployment benefits and want to start again, refer to your Handbook for Claimants.

**Start to prepare your case now. Do not wait until you receive a hearing notice.**

This booklet offers general information on unemployment hearings under chapter 108 of the Wisconsin statutes and chapters DWD 100-150 of the administrative code.

You may read these documents on the Internet:

Chapter 108.01-108.26  
<http://docs.legis.wisconsin.gov/statutes/statutes/108>

Unemployment Rules and Regulations  
DWD 100-150  
[http://docs.legis.wisconsin.gov/code/admin\\_code/dwd/100\\_150](http://docs.legis.wisconsin.gov/code/admin_code/dwd/100_150)

To receive a copy of the UI law, contact the hearing office listed on the reverse side of your determination.

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## KEY WORDS

**Appeal Tribunal** An attorney, employed by the state, who conducts the hearing, makes sure the facts are brought out, and issues a written decision.

**Appellant** The party who requests a hearing. An appellant can be an employee or employer.

**Attorney of Record** A lawyer who has informed the hearing office that he/she is representing a party at a hearing.

**Cross-examination** The questioning of a witness by the opposing party.

**Department** The Department of Workforce Development, Unemployment Insurance Division.

**Determination** The first written decision from the department about an employee's eligibility for benefits and/or an employer's liability.

**Evidence** Testimony and exhibits that the appeal tribunal officially admits into the hearing record.

**Exhibits** Papers that relate to your case, which may include: payroll or attendance records, check stubs, letters, warnings, medical excuses, work rules, work schedules, reports; also, photographs, video or audio recordings, charts, etc.

**Firsthand witness** A person who actually saw, said or heard what they are testifying to.

**Hearing Record** Evidence and recording of the hearing.

**Hearsay** Statements made by a witness who does not have firsthand knowledge of the facts.

**Medical Report** A written, certified report used in place of a health care professional appearing in person at a hearing.

**Merits (Issues)** The reasons why benefits may be allowed or denied.

**Parties** Those whose rights might be affected by the outcome of a case. Parties at a hearing include:

- the employee seeking unemployment benefits
- the employer that is or may be charged for the payment of benefits

**Relevant** Having a direct bearing on the merits of the case.

**Respondent** The party who did not request a hearing.

**Subpoena** An order for a person to appear at the hearing or to produce documents at the hearing.

**Testimony** Verbal statements taken under oath at the hearing.

## FORMS YOU MAY RECEIVE FROM THE DEPARTMENT

**Telephone Hearing Instructions (Form C)**  
Tells you that a hearing will be held by telephone for one or both parties.

**Hearing Notice (Form F)**  
Tells you the date, time, location and how you will participate in the hearing as well as other important information for the hearing.

## WHAT IS AN UNEMPLOYMENT INSURANCE (UI) HEARING?

**Legal Proceeding**  
You will be participating in a legal proceeding where testimony is taken under oath by an appeal tribunal.

The proceeding is open to the public and conducted to resolve issues about:

- whether an employee is eligible to receive unemployment benefits
- whether an employer's unemployment insurance account will be charged for benefits

**Representation by an Attorney**  
The department does not furnish legal representation to parties. If you want to be represented by an attorney, you must arrange such representation yourself. Your attorney should contact the hearing office immediately upon being retained to indicate that he/she will be representing you at the hearing.

## SCHEDULING A HEARING

Hearings are scheduled by the UI Hearing Office. Hearing office hours are from 7:45 a.m. to 4:30 p.m., Monday through Friday.

The hearing office will try to schedule your hearing as soon as possible. This may be as soon as six days after you requested your hearing. However, there are times that you may have to wait several weeks for a hearing. Your hearing will be in person or by telephone.

**Hearing Notices**  
The hearing office will send you a Hearing Notice (Form F) telling you:

- the date and time of the hearing (all hearings are scheduled Central time)
- the hearing location and how you are to participate (i.e., in person or by telephone)
- what issue(s) may be addressed at the hearing
- important hearing messages, if needed

**Please read both sides of the Hearing Notice.**

## SCHEDULING CONFLICTS

The hearing office will attempt to accommodate your scheduling requests but cannot promise a specific date and time for a hearing. If you are the appellant, include "unavailable" dates in your appeal letter. If you are the respondent, contact the hearing office with any scheduling conflicts immediately upon learning that a hearing will be scheduled. **If at all possible, please do not wait until the hearing is scheduled to notify the hearing office of conflicts.**

**Postponements**  
Postponements of scheduled hearings are generally not given unless you can show exceptional circumstances that justify delaying the proceedings. Requests for postponements cannot be made in writing. **You must telephone the hearing office** to discuss the particular facts that you believe require a postponement of the case.

## INTERPRETERS

If you need an interpreter, it is your obligation to inform the hearing office immediately. The hearing office uses its own interpreters (sign or language) during the hearing.

## SPECIAL NEEDS REQUESTS

If you think you might need special arrangements (such as disability accommodations), immediately contact the hearing office.

## TELEPHONE HEARINGS

If your appeal is scheduled for a telephone hearing, you must furnish the hearing office with the phone number at which you and/or your witnesses can be contacted for the hearing. At the time of the hearing, the hearing office will place a call to you and/or your witnesses at the number(s) furnished.

You will receive a Telephone Hearing Instructions packet (Form C) before the hearing. If you have other documents that you want considered as exhibits, you should provide them to the hearing office and the other party **at least 3 days** prior to the hearing.

If the hearing office has scheduled a telephone hearing and you wish to appear at the hearing location in person, you **must** contact the hearing office in advance so that the appropriate preparations can be made.

## IF YOU HAVE REQUESTED A HEARING AND CHANGE YOUR MIND

Only the party who requested the hearing (the appellant) may withdraw that request.

You can withdraw the request for a hearing at any time during the appeal process online, by mail, by fax, or by calling the hearing office. If you do withdraw your request, no further proceedings will be scheduled in the matter.

## HOW TO PREPARE FOR THE HEARING

You may review the file on your case at the hearing office. Call the hearing office listed on the Hearing Notice first to make sure that the file will be available when you plan to arrive.

### Review Your Materials before the Hearing

Gather together documents with pertinent information. The first time that you look at written materials for the hearing *should not be during the hearing itself!* Review your materials before the hearing. Write down questions and points that you want to make at the hearing.

## ATTENDING THE HEARING

### Be on Time

You should allow additional time to find the hearing office, park and walk to the building. If you are the appellant and you are late, your appeal may be dismissed. If you are the respondent and you are late, the hearing may be conducted without you.

### Who Should Attend the Hearing

In most cases, both the appellant and the respondent should attend with their witnesses. If the appellant does not show up, a hearing will not be held. Your hearing notice will tell you if you are required to participate and, if so, by phone or in person.

## WHAT HAPPENS AT A HEARING

### Hearing Procedure

The appeal tribunal will control the hearing. It is the appeal tribunal's job to gather all the information needed to make a complete record and make a decision in your case.

The appeal tribunal will identify persons in the room and explain how the hearing will work. The appeal tribunal will identify the determination being appealed, define the issue(s), and may ask you to state your position.

The appeal tribunal will decide the order of the witnesses who will give their testimony under oath. The appeal tribunal may require a witness(es) or

other person(s) to leave the room while others testify.

The appeal tribunal will ask questions of any witnesses who are necessary for purposes of developing a record. The appeal tribunal will give you an opportunity to ask questions of each of the witnesses at the appropriate time. During "cross-examination," you are NOT permitted to make statements. You will not be allowed to argue or disrupt the hearing. You are only permitted to ask questions.

Each party will also have its opportunity to present documentary evidence. After the parties have had a chance to present evidence, the appeal tribunal will close the hearing.

Once the hearing is closed, the appeal tribunal can no longer discuss the case with you. It is important to present all of your evidence at the hearing. **THE DECISION WILL BE BASED ONLY ON THE EVIDENCE PRESENTED AT THE HEARING.** Information previously submitted to the department will not be considered by the appeal tribunal unless you appear and present it. Any further appeal will only involve review of the record made at the hearing.

The hearing will be recorded. To make sure the recording is clear, speak loudly and clearly. If you want a copy of the hearing recording, call (608) 266-3174.

## WITNESSES

### Bring Witnesses with Personal, Firsthand Knowledge to the Hearing.

Witnesses at a hearing should have actually seen, said or heard what they are testifying to.

Do not expect to submit written statements of witnesses who are not present at the hearing because they will likely be considered "hearsay." Although relevant "hearsay" documents may be admissible, a fact can't be proven with hearsay alone.

The rules of evidence at a hearing are like the rules in court. The appeal tribunal cannot decide a case solely on hearsay testimony (statements made by a witness who does not have firsthand knowledge of the facts).

The appeal tribunal may limit the number of witnesses to the same incident and will only allow testimony that is relevant to the case.

## SUBPOENAS

If a witness will not appear at a hearing voluntarily or you need certain documents for evidence at your hearing, you can request a subpoena from the hearing office. If you decide to have a lawyer represent you, that lawyer may also issue a subpoena and must send a copy to the hearing office.

### Information Needed

Before calling the hearing office for a subpoena, have ready the witness(es)' name(s), address(es), and the reason(s) why his/her testimony relates to your case. If documents are needed, have a detailed description of the documents and the name of the person who has firsthand knowledge of those documents. If the hearing office has granted your request for a subpoena, it will provide you with an instruction sheet concerning subpoenas.

### Serving the Subpoena

If your request for a subpoena is granted, you are responsible for properly servicing the subpoena before the hearing. You must also pay the witness(es) for appearing and cover mileage expenses of the witness(es) you subpoenaed. The appeal tribunal will decide if you can be paid back for witness fees and mileage expenses. If you want to be repaid, you must request it.

## EXHIBITS

### Bring Copies of Any Written Materials You Want to Submit at the Hearing.

The evidence you submit must relate to the issue(s) of the case. Bring the original document and two copies with you to the hearing. The appeal

tribunal will decide what to accept as evidence. If you bring a video or audio recording, video evidence must be supplied to the hearing office in a .mp4 (MP4) format. All exhibits are left with the appeal tribunal.

## CERTIFIED MEDICAL REPORTS

If you are the employee, a report from the health care professional who is treating you may help decide your case. The employee may request or the department may send the employee a medical form to have the health care professional complete. This report should be returned by the due date on the form.

The person who completes the form does not have to be at the hearing, though you may subpoena (require) a health care professional to appear. An employer may also subpoena the health care professional or present its own report by a qualified expert for rebuttal purposes. That report must be certified to be included as evidence.

## DEPARTMENT WITNESSES AND REPORTS

The appeal tribunal may also take testimony from department staff or receive into the record a certified report from the department's labor market database to make a decision. The report describes jobs, wages and other labor market conditions that may affect your case.

## AFTER THE HEARING

The appeal tribunal decides how the law applies to the facts of your case and issues a written decision. A copy of the decision is mailed to the parties, usually within two weeks of the hearing.

If a determination denying benefits is reversed, it may take two to four weeks for benefits to be paid.

## OVERPAYMENTS

If a determination allowing benefits is reversed, an employee may be required to repay the benefits already received. If you were overpaid because of

a departmental error, and you were not at fault, you may not have to repay the benefits.

## IF YOU ARE LATE, DO NOT ATTEND, OR CANNOT BE CONTACTED FOR THE HEARING

For an "in person" hearing, the appeal tribunal will wait 10 minutes for the appellant (the party requesting the hearing) to arrive before dismissing the appeal. Similarly, for a "telephone" hearing, if the appellant cannot be contacted within 10 minutes of the scheduled time, the appeal will be dismissed.

The dismissal decision issued in any case will become final, unless there is good cause (excusable neglect) for not attending.

For either "in person" or "telephone" hearings, the appeal tribunal will proceed with the hearing if the respondent does not arrive or cannot be contacted within 10 minutes of the scheduled time.

Due to unforeseen delays, parties are expected to wait up to one hour from the scheduled time for the appeal tribunal to start the hearing/call you.

## IF YOU MISSED THE HEARING AND WANT ANOTHER HEARING

If you fail to attend your hearing, you must explain in writing why you did not appear. Your explanation should be mailed to the hearing office immediately. Make sure to provide the hearing number in your letter of explanation.

Your explanation for failing to attend the hearing will be reviewed, and a decision may be issued on that explanation only. The hearing office may also schedule a hearing to decide if you had good cause for not appearing at the original hearing. If the reason for failing to attend the hearing was not for good cause, the appeal tribunal will deny your request for another hearing. If the failure to appear was with good cause, the appeal tribunal may go on to the merits of the case or order a new hearing to take testimony at a later date on the merits of the case.

## LATE APPEALS

Your explanation for the late appeal will be reviewed, and a decision may be issued based on that explanation only. The hearing office may also schedule a hearing on the late appeal issue. If the reason for the late appeal was not for reason beyond your control, the appeal tribunal will dismiss the appeal.

If the late appeal was for a reason beyond your control, the appeal tribunal may proceed to the merits of the case or order a new hearing to take testimony at a later date on the merits of the case.

## FURTHER APPEALS

If you disagree with the appeal tribunal's decision, you have 21 days from the date the decision is mailed to file an appeal for review by the Labor and Industry Review Commission (LIRC). Your appeal must be postmarked or received by LIRC within those 21 days. LIRC will accept faxed appeals at (608) 267-4409, and appeals filed online at [https://lirc.wisconsin.gov/ui\\_appeal.htm](https://lirc.wisconsin.gov/ui_appeal.htm).

## IMPORTANT!

If you are the employee and your appeal is pending, you should continue to file weekly claim certifications until the appeal process is over.

## UI CALENDARS

View or print UI calendars online at <https://dwd.wisconsin.gov/uiben/calendars.htm>.

**DWD is an equal opportunity employer and service provider. If you have a disability and need assistance with this information, please dial 7-1-1 for Wisconsin Relay Service. Please contact the Unemployment Insurance Division at (414) 435-7069 or toll-free at (844) 910-3661 to request information in an alternate format, including translated to another language.**





# Unemployment Insurance Interpreter and Translation Services

The directions below are for non-native English speakers who may need to reference one of the following languages.

**IMPORTANT!** This document contains important information about your unemployment rights, responsibilities and/or benefits. It is critical that you understand this information. To ask questions or to have unemployment documents translated, call (414) 435-7069 during business hours. An interpreter will be provided at no cost to you.

## Español (Spanish)

**¡IMPORTANTE!** Este documento contiene información importante sobre su derecho al desempleo, sus responsabilidades y/o beneficios. Es clave que usted entienda esta información. Para hacer preguntas o para que le traduzcan documentos relacionados con el desempleo, llame al (414) 435-7069 en horario de oficina. Le proporcionaremos un intérprete sin ningún costo para usted.

## Txhais lus hmoob (Hmong)

**NQE TSEEM CEEB!** Daim ntawv no muaj qhov xwm tseem ceeb txog koj cov kev muaj cai, cov kev lees ris thiab/los sis cov txiaj ntsim pab ntawm kev poob hauj lwm. Nws tseem ceeb heev uas koj yuav tsum nkag siab cov ntaub ntawv no. Txhawm rau nug kev tsis nkag siab los sis thov cov ntaub ntawv kev poob hauj lwm uas txhais ua koj hom lus, hu rau (414) 435-7069 nyob rau lub sijhawm ua hauj lwm. Yuav muaj tus neeg txhais lus rau koj pub dawb.

## Bosanski/Hrvatski/Srpski (Bosnian/Croatian/Serbian)

**VAŽNO!** Ovaj dokument sadrži važne informacije o Vašim pravima, odgovornostima i / ili naknadama za nezaposlene. Važno da razumete ove informacije. Da biste postavili pitanja ili prevodili dokumente o nezaposlenosti, nazovite (414) 435-7069 tokom radnog vremena. Prevodilac će vam biti obezbeđen besplatno.

## Shqip (Albanian)

**RËNDËSISHËM!** Ky dokument përmban informacione të rëndësishme në lidhje me të drejtat tuaja të papunësisë, përgjegjësitë dhe / ose përfitimet. Criticalishtë kritike që ta kuptoni këtë informacion. Për të bërë pyetje ose të kemi papunësi dokumente të përkthyer, telefononi (414) 435-7069 gjatë orarit të punës. Një përkthyes do t'ju ofrohet pa kosto.

## Русский (Russian)

**ВАЖНО!** Данный документ содержит важную информацию о ваших правах на трудоустройство, обязанностях и/или льготах. Важно, чтобы вы поняли данную информацию. Если у вас есть вопросы или вам требуется перевод документов по безработице, позвоните по номеру (414) 435-7069 в рабочие часы. Услуги переводчика будут предоставляться бесплатно.

## Français (French)

**IMPORTANT!** Ce document contient des informations importantes sur vos droits, responsabilités et / ou avantages liés au chômage. Il est essentiel que vous compreniez cette information. Pour poser des questions ou faire traduire les documents de chômage, appelez le (414) 435-7069 pendant les heures ouvrables. Vous pourrez être aidé gracieusement par un interprète.

## ຖິ່ນລາວ (Laotian)

**ສໍາຄັນ!** ເອກະສານນີ້ປະກອບມີຂໍ້ມູນສໍາຄັນກ່ຽວກັບສິດທິ, ຄວາມຮັບຜິດຊອບ ແລະ/ຫຼື ດຼິນຊ່ວຍເຫຼືອການຫວ່າງງານຂອງທ່ານ. ມັນສໍາຄັນຢ່າງຍິ່ງວ່າທ່ານຕ້ອງເຂົ້າໃຈຂໍ້ມູນນີ້. ເພື່ອຖາມຄໍາຖາມ ຫຼື ເພື່ອໃຫ້ແປເອກະສານການຫວ່າງງານ, ໃຫ້ໂທຫາ (414) 435-7069 ໃນລະຫວ່າງຊົ່ວໂມງເຮັດວຽກ. ຈະມີການຈັດຫາລ່າມແປພາສາໃຫ້ທ່ານໂດຍບໍ່ເສຍຄ່າ.

## Tiếng Việt (Vietnamese)

**THÔNG BÁO QUAN TRỌNG!** Tài liệu này có thông tin quan trọng về quyền, trách nhiệm và/hoặc quyền lợi thất nghiệp của bạn. Bạn phải hiểu về thông tin này. Muốn nếu câu hỏi hoặc muốn có các tài liệu đã được dịch, xin gọi số (414) 435-7069 trong giờ làm việc. Chúng tôi sẽ cung cấp thông dịch viên miễn phí cho bạn.

## 中文 (Chinese) (广东话 Cantonese, 國語 Mandarin, 台語 Taiwanese)

**重要!** 本文件包含有关您的失业权利, 责任和/或福利的重要信息。了解这些信息至关重要。如果要提问或翻译失业文件, 请在工作时间致电(414)435-7069。我们将免费为您提供翻译。

## Soomaali (Somali)

**MUHIIM AH!** Dukumintigaan waxaa ku jira macluumaad muhiim ah oo ku saabsan xuquuqdaada shaqo la aanta, waajibaadka iyo / ama waxtarka. Waa daruuri in aad fahanto macluumaadkaan. Si aad u weydiso su'aalo ama laguugu tarjumo dukumentiyada shaqo la'aanta, wac (414) 435-7069 inta lagu guda jiro saacadaha shaqada. Turjubaan ayaa lagu siin doonaa adiga oo aan kharash kuugu fadihiyin.

## Język polski (Polish)

**WAŻNE!** Ten dokument zawiera ważne informacje na temat praw pracownika, jego obowiązków i/lub odpowiedzialności. Ważne, abyś zrozumiał tę informację. W celu informacji lub aby uzyskać tłumaczenie dokumentów związanych z pracą, zadzwoń pod nr (414) 435-7069 podczas godziny pracy. Skontaktujesz się za darmo z tłumaczem.

## हिन्दी (Hindi)

**महत्वपूर्ण!** इस दस्तावेज में आपके बेरोजगारी संबंधी अधिकारों, जिम्मेदारियों और / या लाभों के बारे में महत्वपूर्ण जानकारी निहित है। यह अति आवश्यक है कि आप इस जानकारी को समझें। कोई प्रश्न पूछने या बेरोजगारी दस्तावेजों के अनुवाद के लिए, (414) 435-7069 पर कार्य-समय के दौरान फोन करें। आपको मुफ्त में एक दुभाषिया प्रदान किया जाएगा।

## عربي (Arabic)

من المهم أن تتفهم هذه المعلومات. لطرح أسئلة أو استفسارات حول معلومات البطالة ومسؤولياتك والمزايا التي تحصل عليها. سيتواجد مترجم فوري دون أية تكلفة. خلال ساعات العمل. (414) 435-7069 اتصل على الرقم

## ខ្មែរ (Khmer/Cambodian)

**សំខាន់!** ឯកសារនេះមានផ្ទៃកន្លែងព័ត៌មានសំខាន់អំពីសិទ្ធិ ការទទួលខុសត្រូវ និង/ឬអត្ថប្រយោជន៍នៃការគ្រាន់ការងារធ្វើរបស់អ្នក។ ព័ត៌មានណាស់ដែលអ្នកយល់អំពីព័ត៌មាននេះ។ ដើម្បីសួរសំណួរ ឬដើម្បីឲ្យឯកសារស្តីអំពីការគ្រាន់ការងារធ្វើត្រូវបានបកប្រែសូមហៅទូរសព្ទទៅលេខ (414) 435-7069 ក្នុងអំឡុងម៉ោងធ្វើការ។ អ្នកបកប្រែម្នាក់នឹងត្រូវបានផ្តល់ជូនអ្នកដោយឥតគិតថ្លៃ។

## Tagalog (Tagalog)

**MAHALAGA!** Ang dokumento na ito ay naglalaman ng mahalagang impormasyon tungkol sa iyong mga karapatan ng pagkawala ng trabaho, mga tungkulin at/o mga benepisyo. Ito ay mapanganib na kailangan mong maiintindihan ang impormasyon na ito. Upang magtanong ng katanungan o magkaroon ng mga dokumento ng pagkawala ng trabaho na maisasalin, tumawag sa (414) 435-7069 sa mga oras trabaho. Isang tagapagsalin ang ibibigay sa iyo na walang bayad.

## Italiano (Italian)

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## ภาษาไทย (Thai)

**สิ่งสำคัญ!** เอกสารนี้มีข้อมูลสำคัญเกี่ยวกับสิทธิการว่างงาน หน้าที่ความรับผิดชอบและ / หรือผลประโยชน์ที่ท่านจำเป็นต้องเข้าใจข้อมูลนี้ หากมีคำถามหรือต้องการแปลเอกสารการว่างงาน โทร (414) 435-7069 ในเวลาทำการ การจัดหาล่ามดำเนินการโดยไม่คิดค่าใช้จ่าย

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