

What Do I Do if My Unemployment Benefits Have Been Denied?

You must file your appeal within 10 calendar days of the mailing date listed on the determination notice. Follow the instructions on the notice to file the appeal at the local unemployment office, by mail, or by fax. Keep a copy of your appeal, as well as proof of the date that you sent it, such as a fax confirmation sheet or certified mail receipt.

It is very helpful to be represented by an attorney in your appeal. SCLS may be able to help.

If there is evidence that you do not have, you may ask for a subpoena (an order that the employer bring documents or witnesses to the hearing). The form to request a subpoena is available at <http://dew.sc.gov/>.

You must continue to file claims and looking for work while you wait for your hearing.

You will receive a notice for an Appeal Tribunal hearing. This is a trial with a hearing officer acting as judge.

The hearing may be in person or by telephone. It will be recorded. This is your only chance to explain your side of the story. You can bring witnesses and documents to prove your case. If you want the hearing officer to consider documents, you should show them to the hearing officer and provide a copy to the employer. For telephone hearings, you must send copies to the hearing officer and the employer before the hearing.

You have the right to ask questions of the employer's witnesses.

If the Appeal Tribunal rules against you, you have the right to appeal to the Appellate Panel. You must file your appeal within 10 calendar days of the mailing date listed on the Appeal Tribunal decision. Follow the instructions on the decision to file the appeal at the local unemployment office, by mail, or by fax.

The Appellate Panel is a group of three judges. They will review the testimony and evidence presented at the previous hearing but will not consider any new evidence.

Other Legal Representation

Consumer & Bankruptcy

Education

Employment

Family

Federal Income Tax

Housing

Migrant Farm Workers

Probate

Public Benefits

Additional information may be found at:

LawHelp.org/SC

South Carolina's guide to free legal resources

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South Carolina
BAR FOUNDATION
Lawyers Sustaining Justice



South Carolina
Legal Services

Balancing the Scales of Justice

UNEMPLOYMENT BENEFITS FOR VICTIMS OF DOMESTIC VIOLENCE



Our Mission

South Carolina Legal Services is a statewide law firm that provides civil legal services to protect the rights and represent the interests of low-income South Carolinians.

For Free Services

1 (888) 346-5592

contactus@sclegal.org

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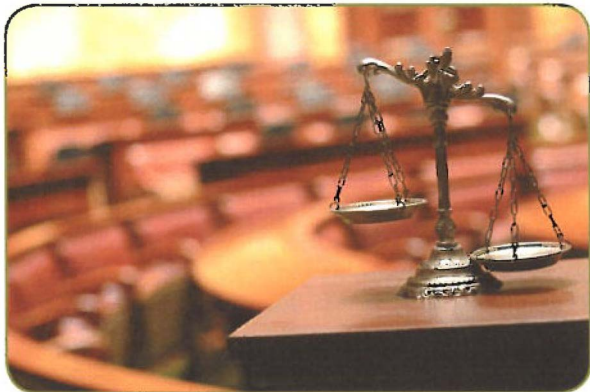


About Unemployment Benefits

To be eligible for unemployment benefits, you must have earned enough wages at your previous job, you must be able and available for work, and you must be actively seeking work.

Normally, you will lose benefits if you did something wrong that led to your firing (misconduct or discharge for cause), or if you voluntarily quit your job without a good reason connected with the job.

However, a special law provides additional protections for victims of domestic violence.



Protections for Victims of Domestic Violence

You may be eligible for benefits if you left a job voluntarily or were fired because of circumstances directly resulting from domestic abuse.

You must show that:

1. You reasonably fear future abuse at or on the way to the workplace;
2. You need to relocate to avoid future abuse; or
3. You reasonably believe that leaving work is necessary for your safety or the safety of your family.

You must provide the unemployment office proof of the abuse. This proof can include police or court records. It can also include documentation from a shelter worker, attorney, preacher, doctor, or other professional who has helped you.

You should give this proof to the unemployment office as soon as possible after you apply for benefits.

You should be prepared to explain that you tried to work with your employer to look for other options besides quitting or being fired, such as making changes to your work schedule or working from a different location.

Even if you provide proof of domestic violence, the unemployment office might still deny your claim. You have the right to appeal. The appeal must be filed within 10 calendar days of the mailing date listed on the determination notice.

Special Situations

You may also be eligible for benefits if one of these other special situations applies:

1. Your spouse was transferred to a new military assignment. You must provide the transfer orders and show that you left your job within 15 days of the scheduled relocation date.

2. You lost your job because of illness or disability of yourself or an immediate family member. You must provide proof that it was medically necessary for you to stop working and change jobs. You must also show that your employer would not provide you paid or unpaid leave for the time it would take to recover. You must currently be able to work to be eligible for benefits.

3. Your spouse has taken a job in another city or state. You must provide proof that your spouse's new job is outside of commuting distance.

Consult an attorney if you think you fall into one of these categories, as the law's requirements are very specific.



Things to Take With You

Your safety and your children's safety is MOST IMPORTANT!

If you can, Take:

- Money and credit cards
- Birth certificates and driver's license
- Social Security and benefit cards
- Keys to car, house, and work
 - Extra clothes
 - Medicine
- School and medical records
- Bank statements and unpaid bills
- Insurance papers and car registration
 - Address book
- Special toys for your children

Additional information may be found at:

LawHelp.org/SC

South Carolina's guide to free legal resources

Family Cases Handled

Physical Abuse Divorce
Custody and Visitation
Adoption
Orders of Protection
Other Family Court Matters

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**South Carolina
Legal Services**

Balancing the Scales of Justice

Domestic Violence Safety Plans:

**Are you in an abusive relationship?
Plan ahead so you can leave SAFELY.**



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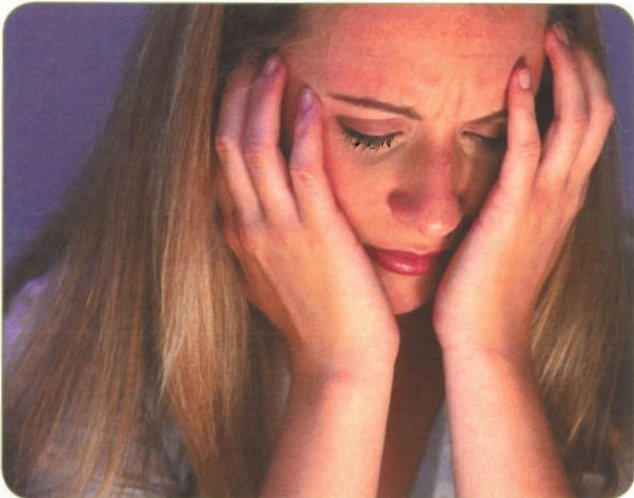
www.probono.net/sc



In an abusive relationship?

You may want to...

- Teach your children how to call 911.
- Create a code word so they know when you need help.
- Keep important phone numbers for law enforcement, shelter, friends, and family handy.
- Know the locations of nearby safe places.
- Tell family, friends or neighbors about the abuse and ask them to call law enforcement if they hear violent noises.
- Make an escape plan for your home and at work.
- Invest in a cell phone.
- Open a credit card or bank account in your name only.



Considering Leaving?

- Identify 2 different places you could go.
- Think about people who could help you. Could they loan you money or keep your belongings?
- Keep a bag of items you will need if you leave. Leave the bag at work or with a friend.
- Consider what you should do with your children and pets. Would they be safer with you or not?
- Think of excuses to leave the house, such as walking the dog, going to the grocery store, or taking out the trash.
- Make extra copies of the house and car keys.
- Review your safety plan often and practice it step by step.

Already Left?

- Continue to monitor your safety.
- Consider filing for an Order of Protection or Restraining Order. If you get one, give copies to your boss and children's teachers. ALWAYS keep it with you.
- Change the locks.
- Give your family, friends and neighbors a picture of your abuser.
- Ask your friends and neighbors to call law enforcement if they see your abuser near you or your home.
- Tell your children's schools or caretakers who is allowed to pick up the children.
- Ask a coworker to screen your calls.
- Use different stores and driving routes than you previously used.
- Find a support group or counselor.
- Find a safe way to communicate with your abuser, if you must.

What about Bond Requirements?

If the abuser was arrested for being violent towards you, he or she might have a bond requirement to stay away from you. If you are not sure about your abuser's bond requirements, you should call the Solicitor's office to ask.

Enforcement

You should always call law enforcement when you are in danger. If you have an Order of Protection and your abuser violates it, law enforcement must respond. If you have a Restraining Order, you will probably have to take your abuser back to Court for relief.



National Domestic Violence Hotline:

1-800-799-SAFE (7233)

National Abuse & Rape Hotline:

1-800-656-HOPE (4673)

Additional information may be found at:

LawHelp.org/SC

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Family Cases Handled:

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Custody and Visitation
Adoption
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Other Family Court Matters

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Balancing the Scales of Justice

Types of Domestic Violence Protection:

Orders of Protection

vs.

Restraining Orders



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Is an Order of Protection the Same Thing as a Restraining Order?

No. These terms are often used interchangeably, but an Order of Protection has more strict requirements and can usually be enforced more quickly than a Restraining Order. There are several different types of Restraining Orders. Both Orders of Protection and Restraining Orders are issued by Judges.

Facts about Orders of Protection

WHO: You may be able to get an Order of Protection if the abuser is a spouse, former spouse, the other parent of your child, or a person of the opposite sex that you live with or used to live with romantically.

WHAT: It is a court order to keep the abuser from abusing or threatening you. It may also temporarily address issues of child custody, support, visitation, and property.

WHEN: You can apply for it after physical domestic violence, threats of bodily harm, or sexual crimes have occurred.

WHERE: The petition for an Order of Protection should be filed with the Clerk of Court in the county where you live, where the abuser lives, or where you last lived together.

HOW: You can file a petition for an Order of Protection on your own. An attorney may be helpful, but is not necessary. There is no filing fee. A domestic violence advocate may be able to help you with the paperwork. A hearing will be scheduled in Family Court. You will need to speak in court and provide as much additional evidence as possible about the abuse. If there are witnesses to the abuse, they should go to court with you.



What should I do if I need someone else to stay away from me, such as a roommate or sibling?

If you did not have the kind of romantic relationship with the abuser that is required to get an Order of Protection, you may be able to get a Restraining Order in Magistrate Court ordering the abuser to stay away from you. You should contact your local Magistrate Court for the correct procedure. There may be a filing fee. You will need to bring proof and/or witnesses to court on the day of your hearing to prove that you need a Restraining Order.

What is a Mutual Restraining Order?

- A Mutual Restraining Order prevents both parties from doing something. Sometimes judges grant Mutual Restraining Orders instead of granting an Order of Protection.
- Sometimes two people agree to a Mutual Restraining Order not to harass each other. You should be careful about agreeing to a Mutual Restraining Order if you really need an Order of Protection. Mutual Restraining Orders have the same effect on both people. They do not imply that one person was at fault.

What does it mean when my divorce decree or custody order mentions a Restraining Order?

- A Restraining Order is simply an order from the court telling someone NOT to do something. If that person does it anyway, he or she can face penalties including jail time or fines. The Restraining Order could deal with the abuse, such as a Restraining Order against the abuser not to harass you. Or, it could be something completely different, such as a Restraining Order not to sell property that you have in common with your husband or wife.



How do I find out more about South Carolina Legal Services?

SCLS has three websites: www.sclegal.org, www.lawhelp.org/sc, and www.probono.net/sc.

Lawhelp.org/sc is South Carolina's guide to hundreds of free legal resources such as:

- Information about your rights and legal responsibilities
- Legal forms and court documents
- Pro bono programs that will provide free and low-cost legal help
- Contact information for social service agencies, and community organizations
- Court information
- Online interactive forms to file for divorce & child support modification

sclegal.org is a statewide website that contains:

- Information for the public in all civil law areas
- Legal library
- PowerPoints on substantive issues
- Video discussion on legal topics
- Resources for the deaf/blind
- News section for upcoming self-help clinic/community education events
- Limited English Proficiency informational links

[probono.net/sc](http://www.probono.net/sc) contains substantive resources for advocates. It is a password protected website.



www.sclegal.org / www.lawhelp.org/sc
www.probono.net/sc

SCLS Divisions

Migrant	(888) 720-2320
Low Income Taxpayer Clinic	(800) 763-4825 (ext. 3256)
SC HELP Intake	(888) 257-1988

SCLS Offices

Administration	(888) 799-9668 (ext 4180)
Charleston	(843) 720-7044 or (888) 720-2320
Columbia	(803) 799-9668 or (888) 799-9668
Conway	(843) 381-8182 or (866) 597-0100
Greenville	(864) 679-3232 or (800) 763-4825
Greenwood	(864) 223-4879 or (800) 922-3114
Intake	(803) 744-9430 or (888) 346-5592
Orangeburg	(803) 533-0116 or (800) 522-9354
Pee Dee	(843) 413-9500 or (877) 238-3418
Rock Hill	(803) 327-9001 or (800) 922-3853
Spartanburg	(864) 582-0369 or (800) 922-8176

Invest in Us

You can help put justice in everyone's reach by contributing to South Carolina Legal Services, a 501(c)(3) not-for-profit law firm. We receive federal funding as well as various other grants. However, more than 800,000 South Carolinians live below the poverty level, and many legal needs go unmet. You can donate via our sclegal.org or lawhelp.org/sc websites. You can also mail your monetary donations payable to South Carolina Legal Services, PO Box 1445, Columbia, SC 29202. Donations to SCLS are tax deductible to the extent allowed by law.



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Mission

South Carolina Legal Services is a statewide law firm that provides civil legal services to protect the rights and represent the interests of low-income South Carolinians.



Vision

All low-income South Carolinians will have full and fair access to justice.

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How does SCLS help people?

- Provides representation in judicial and administrative forums
- Gives legal counsel and advice
- Conducts legal education and outreach about rights and responsibilities (“preventative” law)
- Distributes legal self-help materials, forms
- Conducts Self-Represented Litigant Clinics

What legal problems can SCLS handle?

Education

School Discipline • School Enrollment and Fees
IEP and Special Education Services

Employment

Wage Claims • Working Conditions
Unemployment Compensation
Wrongful Termination

Housing

Foreclosures • Public Housing and Evictions
Homeownership • Federally Subsidized Housing

Family

Orders of Protection • Divorce for Physical Cruelty
Custody/Visitation/Adoption
Amended/Delayed Birth Certificate

Consumer

Loans and Installment Purchases • Bankruptcy
Claim and Delivery • Credit Disputes
Predatory Lending

Public Benefits

Social Security • SSI • SNAP
Family Independence (TANF)
Medicaid • Veterans Benefits

Probate

Wills, Living Wills/Powers of Attorney
Conservatorship • Guardianship

Migrant Farmworkers

Wage Claims • Employment Conditions
Worker Safety • Labor Camp Conditions
Discrimination • Rights of H2 Workers

Federal Tax Problems

Innocent Spouse Relief • Injured Spouse Claims
Filing Status • Earned Income Credit Appeals
Liens & Levies

Community Economic Development

By-laws
Incorporation
Non-profit Status

This is not a complete listing.

The types of legal problems SCLS can handle may change depending on our resources.



What SCLS cannot handle:

- Criminal cases
- Fee-generating cases that private attorneys are willing to accept on a contingency fee basis
- Class actions, rulemaking, lobbying, litigation on behalf of prisoners.

How do I contact SCLS?

Call our toll-free intake office at (888) 346-5592, Monday through Thursday, between 9:00 am and 6:00 pm. You may also contact us by email at contactus@sclegal.org. We use language interpreter services to provide interpreters in over 170 languages. We also provide free interpreters for applicants and clients who do not speak English or who have a hearing impairment.

Am I eligible for help from SCLS?

SCLS receives funding from several different sources. Some grants limit services to persons meeting financial guidelines. Other grants may have no financial guidelines but limit the type of legal assistance that can be provided.

You will be required to provide information about your household size, income, assets and case type. Legal case types are limited by SCLS's Board of Directors based on funding and resources.

With a few exceptions, a person must be a citizen of the United States or a legal resident.

Completing the intake DOES NOT create an attorney-client privilege or guarantee representation; however, the information we collect is confidential.

