

Filing an Unemployment Appeal at the Minnesota Court of Appeals

Revised March 8, 2024

This packet is provided as a general guide to the process of appealing from a final decision by an Unemployment Law Judge (ULJ) about a claim for unemployment benefits. The final decision that you can appeal is a *ruling on a request for reconsideration*.

These instructions explain the steps to start an appeal and answer common questions, but are not a full guide to the law.

Please read this entire packet carefully. If you do not understand any of the steps or do not know if these forms are right for your situation, you should speak with an attorney for legal advice. Court employees are able to give general information about court rules and procedures, but they cannot give legal advice.

This packet includes:

- Step-by-Step Instructions for Filing an Unemployment Appeal
- Form: Petition for Writ of Certiorari
- Form: Statement of the Case
- Form: Writ of Certiorari
- Form: Certificate of Service by Mail of the Petition, Unsigned Writ, Statement of the Case, and Unemployment Law Judge's Decision
- Form: Certificate of Service by Mail of the Issued Writ of Certiorari
- Form: Certificate of Service by Mail of Brief

For Additional Assistance:

Additional helpful materials, including example briefs, can be found on the Minnesota State Law Library website (<https://mncourts.libguides.com/appeals>).

The State Law Library also hosts an Unemployment Appeal Legal Advice Clinic (<https://mn.gov/law-library/services/clinics/unemploymentclinic.jsp>), where you can get free legal advice about your case from a volunteer attorney or get help filling out forms. To sign up for the Unemployment Appeal Legal Advice Clinic, call (651) 297-7651.

Important Information about Unemployment Appeals

Request Reconsideration Before You File Your Appeal

Before you appeal to the Court of Appeals, you must request reconsideration of the ULJ's initial decision before the deadline for that request, and receive the ULJ's *ruling on your request for reconsideration*. The ULJ's initial decision included instructions for requesting reconsideration. The ULJ's *ruling on a request for reconsideration* is the final decision that you can appeal to the Court of Appeals.

Court of Appeals Opinions are Available to the Public

Once your appeal is decided, the Court of Appeals will issue a written decision, called an "opinion," which will describe your case and the reasons for the court's decision. **The opinion will be available to the public on the Minnesota Judicial Branch's website.** After an opinion is filed, it cannot be removed from the Internet. This means that anyone who searches for your name on the Internet may be able to find and read the opinion, which will include information about the reason you were fired.

Laws that Apply to your Appeal

Your appeal is governed by the [Minnesota Rules of Civil Appellate Procedure](#), the [Special Rules of Practice for the Minnesota Court of Appeals](#), and the Minnesota Statutes. [Minnesota Statute section 268.105](#) applies specifically to unemployment benefits appeals.

This packet includes simplified instructions, but you should read the rules and statutes yourself for more information. **If you are representing yourself, you are responsible for researching court rules, case law, and statutes that govern your case.**

You can find the rules, case law, and statutes at the Minnesota State Law Library (Room G25, Minnesota Judicial Center, 25 Rev. Dr. Martin Luther King Jr. Blvd., St. Paul, MN 55155, or call 651-297-7651), and at public libraries. You can also find the rules at the Minnesota Judicial Branch's website: <http://www.mncourts.gov/About-The-Courts/SupremeCourt/CourtRules.aspx>.

Filing Fees

An applicant appealing the denial of unemployment benefits does **not** have to pay a filing fee. [Minn. Stat. § 268.105, subs. 6\(b\), 7\(c\)](#).

Step-by-Step Instructions for Filing an Unemployment Appeal

Step 1: Calculate Your Appeal Deadline

If you received your ***ruling on the request for reconsideration by email*** from the Department of Employment and Economic Development (DEED), you have **30 days to file** your appeal, from the date the email was sent.

If you received your ***ruling on the request for reconsideration in the mail*** from DEED, you have **33 days to file** from the date it was mailed to you.

General Instructions for Calculating Court of Appeals Deadlines

- Do not count the day of the event that starts the time period (for example, the date the ULJ's decision was mailed to you). Instead, start counting the next day.
- Continue counting calendar days. Do not skip weekends or legal holidays.
- If the last day of the period falls on a Saturday, Sunday, or legal holiday, then the deadline is the next business day. For the purpose of calculating deadlines, legal holidays for the appellate courts are:
 - New Year's Day (January 1);
 - Martin Luther King, Jr.'s birthday (the third Monday in January);
 - Presidents' Day (the third Monday in February);
 - Memorial Day (the last Monday in May);
 - Juneteenth (June 19);
 - Independence Day (July 4);
 - Labor Day (the first Monday in September);
 - Columbus Day (the second Monday in October), even though the appellate courts are open on Columbus Day;
 - Veterans' Day (November 11);
 - Thanksgiving Day (the fourth Thursday in November);
 - The Friday after Thanksgiving; and
 - Christmas Day (December 25).

The deadline for starting my appeal is _____.

Note: The Court of Appeals cannot extend the deadline for appeal. Before the deadline you calculate in this step, the ***Petition for Writ of Certiorari*** must be **filed** with the Clerk of the Appellate Courts and **served** on all respondents (steps 2-5 provide instructions for filing and serving documents). **If you do not file and serve the *Petition for Writ of Certiorari* by the deadline, your appeal will be dismissed.**

**Step 2: Fill out the *Petition for Writ of Certiorari*,
Statement of the Case, and *Writ of Certiorari***

- Fill out the *Petition for Writ of Certiorari*, which tells the court that you want to appeal.
- Fill out the *Statement of the Case*, which should *briefly summarize* the reasons you think the ULJ’s decision was incorrect. You do not need to make detailed arguments in the *Statement of the Case*, because you will make detailed arguments later in your *Brief*. Do not attach any additional documents to your *Statement of the Case*.
- Fill out the *Writ of Certiorari*, which notifies the respondents that you have filed your appeal and orders the respondents to provide certain records. The Clerk of the Appellate Courts will sign the *Writ of Certiorari* after you file it and will return it to you (see step 7 for more information about the signed *Writ of Certiorari*).

The party who files the appeal is called the “relator.” The other parties are called the “respondents.” In an unemployment appeal, the respondents include:

- (1) the Minnesota Department of Employment and Economic Development (DEED), and
- (2) the employer(s), if any. This includes all employers that are listed in the *ruling on the request for reconsideration*.

Fill in all of the blanks on the forms. If you do not fill out all of the blanks, the Clerk of the Appellate Courts may have to return the forms to you, and it may cause you to miss your deadline to appeal.

Some questions on the *Statement of the Case* may require you to do some basic legal research before you answer them. Detailed instructions for completing this form are available at <https://mncourts.gov/CourtOfAppeals.aspx#Tab08Resources>.

**Step 3: File the *Petition for Writ of Certiorari*,
Statement of the Case, and *Writ of Certiorari***

“Filing” means submitting or delivering documents to the Office of the Clerk of the Appellate Courts. Filing the *Petition for Writ of Certiorari* starts your appeal at the Court of Appeals.

- Choose your method of filing (see instructions below).

General Instructions for “Filing”

Parties **without an attorney** may file documents by any of the following three methods:

(1) By **hand-delivering** them to the Clerk of the Appellate Courts during business hours (8:00 a.m. to 4:30 p.m. weekdays),

(2) By **mailing** the documents to the Clerk of the Appellate Courts, addressed to:

Clerk of the Appellate Courts
305 Minnesota Judicial Center
25 Rev. Dr. Martin Luther King Jr. Blvd.
St. Paul, MN 55155

For filing by postal mail, a document will be considered filed “on time” if it is deposited in the U.S. Mail by the deadline with correct postage and the correct address, even though the Clerk of the Appellate Courts will not receive the document on the day you deposit it in the mail.

(3) By **submitting them electronically** through the appellate courts’ e-filing system, E-MACS. Parties who do not have an attorney are not required to use E-MACS, but they are allowed to do so. But, once you choose to file in E-MACS, you must continue using it for filing. You may not go back to filing by hand-delivery or mail. (**Note: All attorneys are required to use E-MACS and cannot file documents by mail or by hand-delivery to the Clerk of the Appellate Courts.**)

For information about electronic filing and to submit documents electronically, go to the Clerk of the Appellate Courts’ webpage (www.mncourts.gov/Clerk-of-Appellate-Courts.aspx#tab05AppellateFiling). Filing by facsimile (fax) is not allowed.

For additional instructions on filing, see [Minn. R. Civ. App. P. 125.01](#).

- If you are filing your documents by hand-delivery or by mail, make four copies of each of the following documents: (1) *Petition for Writ of Certiorari*, (2) *Statement of the Case*, (3) *Writ of Certiorari*, and (4) *Ruling on Request for Reconsideration* from the ULJ.
- Keep one copy of each document for your records and file the original of each with the Clerk of the Appellate Courts.

Step 4: Serve the documents on respondents

Any time you submit a document to the Clerk of the Appellate Courts for filing, a copy must also be provided to all other parties at or before the time of filing. This is called “service.”

You must also file proof that you have served the document (“proof of service”) with the Clerk of the Appellate Courts. Instructions for proof of service are at Step 5.

Important: You must file the *Petition for Writ of Certiorari* and serve it on the respondents by the deadline you calculated in Step 1, or your appeal will be dismissed.

- Choose your method of service (see instructions below). For each party who you need to serve documents on, follow these steps to decide how to serve that party:

General Instructions for “Service”

If a party has an attorney, you must serve the attorney rather than the party. If a party does not have an attorney, serve that party directly.

Did you file your documents electronically using E-MACS **AND** is the person you are serving registered for electronic service in E-MACS?

If you answered **YES** to both questions above, then you may serve that person electronically using E-MACS.

If you answered **NO** to either question above, then you filed your documents by hand delivery or by U.S. Mail and therefore you must choose one of the options below for service:

Choose one of these options for service:

- (1) **By mail:** Deposit the documents, correctly addressed, in the U.S. Mail, with adequate first-class postage. You may serve documents by mail yourself. **For simplicity, this packet assumes that you are serving documents either electronically or by mail, and only includes forms relating to service by mail.**
- (2) **In person** (“personal service”): Have another person hand-deliver the document. The person who hand-delivers the document must be 18 years or older and not a party to the appeal. **You cannot serve a party in person yourself.**
- (3) If the recipient consents to another method of delivery, such as email or fax, you could also use that method for service.

- Serve your employer(s) with a copy of (1) *Petition for Writ of Certiorari*, (2) *Statement of the Case*, (3) unsigned copy of the *Writ of Certiorari*, and (4) *Ruling on Request for*

Reconsideration. Make sure that you serve all employers listed in the *ruling on the request for reconsideration* with a copy of the appeal documents.

- Serve DEED with a copy of (1) *Petition for Writ of Certiorari*, (2) *Statement of the Case*, (3) unsigned copy of the *Writ of Certiorari*, and (4) *Ruling on Request for Reconsideration*. To serve DEED, the documents can be either electronically served on DEED’s attorney (currently Keri Phillips) or mailed to:

Dept. of Employment and Economic Development
The Great Northern Building
180 East 5th St, Suite 1200
St. Paul, MN 55102

**Step 5: If you served any documents by mail or other non-electronic method:
Fill out and file the *Certificate of Service***

Every document submitted to the Clerk of the Appellate Courts for filing must be accompanied by proof that the document was served on the other parties to the appeal. This is called “proof of service.” Documents served electronically do not require a separate document showing proof of service.

General Instructions for “Proof of Service”

Did you serve **all** of your documents on **all** parties electronically using E-MACS? If **YES**, then **No separate proof of service is required**, because the Clerk of the Appellate Courts will receive proof (from E-MACS itself) that you have served each document electronically. **Skip to Step 6 on page 9.**

Did you serve **all** of your documents on **all** parties electronically using E-MACS? If **NO**, then **Any time you serve papers in person, by postal mail, or by another delivery method (with the consent of the recipient), you must file a separate proof of service.**

Usually, proof of service is (1) a notarized *Affidavit of Service* or (2) a *Certificate of Service*. The difference between an *Affidavit of Service* and a *Certificate of Service* is that a *Certificate of Service* does not need to be signed in front of a notary.

You may file one *Certificate of Service* (or *Affidavit of Service*) listing multiple documents if you serve those documents on the same date and on the same parties.

For simplicity, this packet assumes you are either filing electronically or by mail. The packet only includes Certificates of Service *by mail*, not Certificates of Service *by personal delivery*.

For additional instructions on proof of service, see [Minn. R. Civ. App. P. 125.04](#).

If you served any documents
by mail or other non-electronic method,
follow the checklist on the next page
to submit proof of service for those documents.

- The person who served the documents by mail must complete and sign the form titled ***Relator’s Certificate of Service by Mail of the Petition, Unsigned Writ, Statement of the Case, and Unemployment Law Judge’s Decision***

The ***Certificate of Service*** must include, from top to bottom:

1. The parties’ names and case file number;
2. County where the form was signed;
3. The name of the person who served the documents;
4. The titles of the documents that were served (on the forms included with this packet, the titles of the document are already filled in);
5. The date the documents were served;
6. The names of the parties who were served and the addresses to which the documents were mailed or delivered to those parties;
7. The signature of the person who served the documents, the date the form was signed, and the county and state where the form was signed.

Note: You will need different *Certificate of Service* forms at different steps in the process. Do not fill out or file all of the *Certificate of Service* forms at the same time.

- File the signed ***Certificate of Service*** with the Clerk of the Appellate Courts.
- If you used E-MACS to electronically file your ***Petition for Writ of Certiorari, Writ of Certiorari***, and ***Statement of the Case***, you will also file your ***Certificate of Service*** electronically using E-MACS (even if you served your documents by mail or in person). The ***Certificate of Service*** must be uploaded as a separate PDF or Word document – do not combine with one of your other documents into a single PDF or Word document.
 - If you filed your ***Petition for Writ of Certiorari, Writ of Certiorari***, and ***Statement of the Case*** by hand delivery or by mail, you may also file your ***Certificate of Service*** by hand delivery or by mail.
 - See Step 3 above for additional instructions on how to file documents.

Step 6: Serve the signed *Writ of Certiorari* and file proof of service

The Office of the Clerk of the Appellate Courts will distribute the signed (“issued”) *Writ of Certiorari* soon after you file it. If you filed your appeal by mail or in person, the issued *Writ of Certiorari* will be mailed back to you. If you filed your appeal electronically through E-MACS, the issued *Writ of Certiorari* will be returned to you electronically.

No matter how you receive the “issued” *Writ of Certiorari*, you must serve a copy on all of the other parties to the appeal, because the Clerk of the Appellate Courts only sends a copy of the issued *Writ of Certiorari* to the party who initiated the appeal.

- Receive the issued *Writ of Certiorari* from the Clerk of the Appellate Courts.
- Make three copies of the issued *Writ of Certiorari*. Keep one copy for your records.
- Serve one copy on your former employer(s) (see Step 4 above for instructions on how to serve documents).
- Serve one copy on DEED (see Step 4 above for instructions on how to serve documents).
- The person who served the issued *Writ of Certiorari* must fill out and sign the form titled *Relator’s Certificate of Service by Mail of Issued Writ of Certiorari*. This is proof of service for the issued *Writ of Certiorari*. See Step 5 above for instructions about filling out the *Certificate of Service*.
- File the *Certificate of Service* of the issued *Writ of Certiorari* with the Clerk of Appellate Courts (see Step 3 above for instructions on how to file documents). This must be filed within 7 days of when the issued *Writ of Certiorari* was served on the employer(s) and DEED. See [Minn. R. Civ. App. P. 115.03, subd. 4.](#)

Step 7: Calculate the Deadline for your *Brief*

Your written argument on appeal is called a “brief.” As the relator (appealing party), **you must file a *brief*, or your appeal will be dismissed.** See [Minn. R. Civ. App. P. 142.02](#).

See Step 1 for specific instructions for calculating deadlines.

The deadline for your *brief* depends on when you were served with an *itemized list of the contents of the record*.

General Information about the “Record”

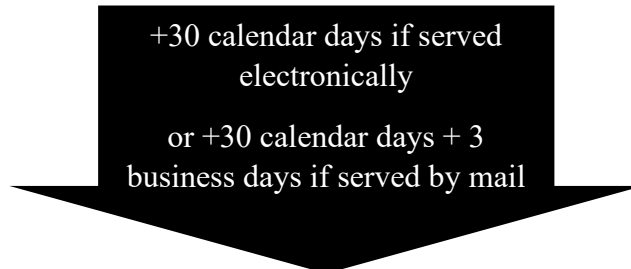
The record is the evidence used in the hearing before the ULJ and, if you asked for a new hearing in your request for reconsideration, any new evidence accepted at that hearing. The evidence in the record is the only evidence that the Court of Appeals typically looks at in an appeal.

If testimony was given at the hearing(s), DEED will prepare a transcript of the audiotape of the hearing free of charge. A transcript is a typed copy of what all of the parties and the ULJ said at your hearing.

DEED is required to serve an *itemized list of the contents of the record* on you and your former employer(s). DEED must serve this list on you within 30 days after DEED was served with the *Petition for Writ of Certiorari*, or within 14 days after the transcript is delivered to the Court of Appeals, whichever is later. If you request it, DEED will also send you a copy of all exhibits in the record, free of charge.

Your *brief* is due 30 days after DEED serves you with the *itemized list of the contents of the record*. If DEED serves the itemized list by mail, then you have 33 days after the date that the list was mailed to serve and file your brief. See [Minn. R. Civ. App. P. 115.04, subd. 4](#).

The *itemized list of the contents of the record* was served or mailed to me on _____.



The deadline for my brief is _____.

Step 8: Prepare your *Brief*

You have three options for the format of your *brief*:

- (1) **Formal *Brief*:** A formal brief includes a table of contents, a statement of the legal issues, a statement of the case and the facts, an argument, a conclusion, and an addendum. See [Minn. R. Civ. App. P. 128.02](#).
- (2) **Informal *Brief*:** If the court gives permission to file an informal brief, it must include a written argument and addendum. See [Minn. R. Civ. App. P. 128.01, subd. 1](#). To receive permission to file an informal brief, you would need to file a motion requesting permission. See page 13 for more information about motions.
- (3) **Memorandum of Law and Short Letter Argument:** If you submitted a written *Memorandum of Law* during your DEED proceeding, you may file that Memorandum as your brief, along with a short letter argument that addresses the decision and an addendum. See [Minn. R. Civ. App. P. 128.01, subd. 2](#). If this is the type of brief you wish to file, you must have selected this option on the *Statement of the Case*.

- Choose the format for your *brief* (formal, informal with permission from the court, or memorandum of law with short letter argument).
- Write your *brief*. The Minnesota State Law Library website has helpful information about writing briefs and example briefs you can read (<http://mncourts.libguides.com/appeals/briefs>).
- Prepare the addendum to your *brief*. No matter what type of *brief* you file, your *brief* must include an addendum that contains a copy of the decision that you are appealing.

The addendum *may* also include documents from the record before the agency or government body, if there are specific parts of the record that you want to point out to the Court of Appeals. However, **you cannot include any new evidence that was not presented to the administrative law judge or other decision-maker.** If you choose to include additional documents from the record, the page limit is 50 pages and your addendum should include a table of contents. See [Minn. R. Civ. App. P. 130.02](#) for additional instructions about the addendum.

Step 9: File and Serve your *Brief*

- File your brief with the Clerk of the Appellate Courts (see Step 3 above for instructions on how to file documents).

If you have already **e-filed** documents using the appellate courts' E-MACS system, you will e-file your brief, too. During the e-filing process you should e-serve your brief on any parties to your case who have registered for e-filing.

If you are filing **in person or by mail** (instead of using the appellate courts' E-MACS system), you will need to file a printed hard copy of your brief. If you are filing a hard copy of a Formal Brief, make sure it is bound according to the approved binding methods in [Minn. R. Civ. App. P. 132.01](#).

- If needed, serve paper hard copies of your brief on other parties to your case. There are two situations where you would need to print hard copies of your brief to serve on parties to your case:

- 1) If you filed your brief in person or by mail (instead of using the appellate courts' E-MACS system), you will need to serve a hard copy of your brief on all of the other parties to the case. Make enough hard copies of your briefs for all respondents on the case.
- 2) If you e-filed your brief using the appellate courts' E-MACS system, but there were any parties who you could not e-serve through E-MACS and they have not agreed to some other form of e-service (such as email), you will need to serve those parties with a hard copy of your brief. Make enough hard copies of your brief for all parties who could not be e-served.

In either situation, if your brief is a Formal Brief, make sure all copies are bound according to the approved binding methods in [Minn. R. Civ. App. P. 132.01](#). Then serve the hard copies of your brief (see Step 4 above for instructions about service).

- If you needed to serve any hard copies of your brief, the person who served the hard copies of the brief must fill out and sign the form titled ***Certificate of Service by Mail of Brief*** (see Steps 4 & 5 above for instructions about service and proof of service).
- If you needed to serve any hard copies of your brief, file the ***Certificate of Service by Mail of Brief*** with the Clerk of the Appellate Courts (see Step 3 above for instructions on how to file documents).

General Information about “Motions”

If you cannot serve and file your brief within 30 days and you need more time, or if you want to make any other request of the court, you must serve and file a signed, written request asking the court for the relief you need. This formal request is called a “motion.”

The motion must state (1) what you are requesting and (2) the reason(s) for that request. You must serve the written motion on the respondents and file proof of service for the motion. The requirements for a motion are found in [Minn. R. Civ. App. P. 127](#) and specific instructions for requesting a briefing extension are found in [Minn. R. Civ. App. P. 131.02](#). If you are requesting a deadline extension, your motion should be served and filed before the deadline you wish to extend.

Reminder: the Court of Appeals cannot extend the deadline to serve and file the *Petition for Writ of Certiorari*.

What Happens Next?

Court of Appeals Receives the Evidentiary Record and Briefs

DEED sends the record from your case to the Court of Appeals, including any transcript of your hearing(s). DEED and your former employer(s) also have the opportunity to each submit a brief to the Court of Appeals.

Oral Argument or Non-Oral Consideration

After the parties have filed their briefs, your appeal will be submitted to a panel of three Court of Appeals judges. You will receive a *Notice* of the date of oral argument or non-oral consideration by the panel. This notice will also include the names of the judges assigned to decide your case.

If you are not represented by an attorney, the Court of Appeals will not allow oral argument by any party. See [Minn. R. Civ. App. P. 134.01](#).

In deciding your appeal, the Court of Appeals looks at the evidence used in the hearing(s) before the ULJ. You may not give new evidence on appeal without first getting permission from the Court of Appeals. The Court of Appeals generally does not accept new evidence.

Opinion is Issued

The Court of Appeals will issue a written decision, called an “opinion,” within 90 days after the appeal is considered by the judges. **All appellate court opinions are public and will be available on the Judicial Branch website.**

If you wish to appeal the Court of Appeals decision, you have 30 days after the opinion is issued to file a *petition for further review (PFR)*, which is a request for the Minnesota Supreme Court to review the Court of Appeals decision. See [Minn. R. Civ. App. P. 117](#).

**STATE OF MINNESOTA
IN THE COURT OF APPEALS**

CASE TITLE:

_____,
(Relator/Your Name)

**PETITION FOR WRIT OF
CERTIORARI**

(Revised October 18, 2022)

vs.

Appellate Case # _____

1) _____,
(Respondent/Employer's Name)

**Department of Employment and
Economic Development #** _____

(additional employer(s), if any)

Date of Decision: _____

2) Department of Employment &
Economic Development,

Respondent.

TO: The Court of Appeals of the State of Minnesota:

_____ (your name) hereby petitions the Court of Appeals for a Writ of Certiorari pursuant to Minn. Stat. § 268.105, subd. 7, to review a decision of the unemployment law judge issued on the date noted above, upon the grounds that

(Summarize why you are appealing in a sentence or two. You will make a detailed argument in the brief that you will be filing later.)

DATED: _____

(Signature of you or your attorney)

(Print your name)

(Address)

(Telephone number)

(Email address)

**STATE OF MINNESOTA
IN THE COURT OF APPEALS**

CASE TITLE:

_____,
(Relator/Your Name)

vs.

1) _____,
(Respondent/Employer's Name)
_____,
(additional employer(s), if any)

2) Department of Employment &
Economic Development,

Respondent.

TO: Department of Employment & Economic Development:

You are hereby ordered to return to the Court of Appeals and serve on all parties in accordance with rule 115.04, subdivision 3, within 30 days after service of the petition or 14 days after delivery of a transcript, whichever is later, an itemized statement of the record, exhibits and proceedings in the above-entitled matter so that this court may review the decision of the unemployment law judge issued on the date noted above.

You are further directed to retain the actual record, exhibits, and transcript of proceedings (if any) until requested by the Clerk of the Appellate Courts to deliver them in accordance with rule 115.04, subdivision 5.

Copies of this writ and accompanying petition shall be served forthwith either personally or by mail upon the respondent Department of Employment & Economic Development and upon the respondent-employer(s) or through its attorney, if represented, at:

(address of each employer or its attorney if it has one)

WRIT OF CERTIORARI

(Revised October 18, 2022)

Appellate Case # _____

**Department of Employment and
Economic Development #** _____

Date of Decision: _____

Proof of service shall be filed with the Clerk of the Appellate Courts.

DATED: _____

Clerk of the Appellate Courts

By: _____
Assistant Clerk

**STATE OF MINNESOTA
IN THE COURT OF APPEALS**

CASE TITLE:

_____,
(Relator/Your Name)

**STATEMENT OF CASE OF
RELATOR**

(Revised October 18, 2022)

vs.

Appellate Case # _____

1) _____,
(Respondent/Employer's Name)

**Department of Employment and
Economic Development #** _____

_____,
(additional employer(s), if any)

Date of Decision

2) Department of Employment &
Economic Development,

Respondent.

1. Agency of case origination.

Department of Employment and Economic Development

2. Jurisdictional statement.

Certiorari appeal.

Statute authority authorizing certiorari appeal and fixing time limit for
appeal: Minn. Stat. § 268.105, subd. 7(a)

3. State type of litigation and designate any statutes at issue.

Unemployment insurance, Minn. Stat. ch. 268

4. Short description of issues that you raised to the unemployment law judge:

5. Short description of the issues you are raising in this appeal. (Summarize why
you are appealing in a sentence or two. You can make a detailed argument in the
brief that you will be filing later.)

6. List any other related appeals.

7. Was testimony given at the hearing conducted by the unemployment law judge?

_____ Yes _____ No

If testimony was given, the Department of Employment and Economic Development will send you a transcript. If no testimony was given, there is no transcript to send.

8. Oral argument.

Only attorneys can make oral arguments. If you do not have an attorney, neither you nor respondents will have oral argument.

If you have an attorney, is oral argument requested? _____ Yes _____ No

If yes, state where oral argument is requested. _____

9. Identify the type of brief to be filed (choose one of the options below):

- Formal brief under rule 128.02
A formal brief includes a table of contents, a statement of legal issues, a statement of the case, facts, an argument, a conclusion, and an addendum (*see* rule 128.02).
- Informal brief under rule 128.01, subd. 1
An informal brief contains a concise statement of your argument and an addendum.
- Trial memoranda, supplemented by a short letter argument under rule 128.01, subd. 2, and an addendum.

All briefs must contain an addendum that includes a copy of the decision that you are appealing.

10. Names, addresses, zip codes and telephone numbers of relator and respondents

(or attorneys, if any).

Relator:

Print name: _____

Address: _____

Email Address: _____

Telephone: _____

Signature: _____

Employer (or attorney):

Name: _____

Address: _____

Email Address: _____

Telephone: _____

Atty Reg. #: _____

Additional Employer, if applicable:

Name: _____

Address: _____

Email Address: _____

Telephone: _____

Atty Reg. #: _____

DEPARTMENT OF EMPLOYMENT & ECONOMIC DEVELOPMENT

The Great Northern Building

180 East 5th St, Suite 1200

St. Paul, MN 55102

**STATE OF MINNESOTA
IN THE COURT OF APPEALS**

CASE TITLE:

_____,
(Relator/Your Name)

vs.

1) _____,
(Respondent/Employer's Name)
_____,
(additional employer(s), if any)

2) Department of Employment &
Economic Development,

Respondent.

**RELATOR'S CERTIFICATE OF
SERVICE BY MAIL OF THE
PETITION, UNSIGNED WRIT,
STATEMENT OF THE CASE, AND
UNEMPLOYMENT LAW JUDGE'S
DECISION** (Revised October 18, 2022)

Appellate Case # _____

**Department of Employment and
Economic Development #** _____

Date of Decision: _____

STATE OF MINNESOTA
COUNTY OF _____

I, _____ (Name), certify that on _____ (Date),
I served the attached **(1) petition for a writ of certiorari; (2) unsigned writ of certiorari; (3) statement of the case; and (4) Unemployment Law Judge's decision from which appeal is taken**, on the following parties by mailing to each of them a copy thereof, enclosed in an envelope, first-class postage pre-paid, and by depositing the same in the United States Mail, directed to said party as follows:

(Fill in the name and address of the employer or employer's attorney on the lines below. Add additional lines if there are additional employers. Then check the box next to each party to whom documents were mailed.)

□ Department of Employment & Economic Development
The Great Northern Building
180 East 5th St, Suite 1200
St. Paul, MN 55102

I declare under the penalty of perjury that everything I have stated in this document is true and correct.

(Signature)

(County where certificate was signed)

(Date of signature)

(State where certificate was signed)

**STATE OF MINNESOTA
IN THE COURT OF APPEALS**

CASE TITLE:

_____,
(Relator/Your Name)

vs.

1) _____,
(Respondent/Employer's Name)
_____,
(additional employer(s), if any)

2) Department of Employment &
Economic Development,

Respondent.

**RELATOR'S CERTIFICATE OF
SERVICE BY MAIL OF ISSUED
WRIT OF CERTIORARI**

(Revised October 18, 2022)

Appellate Case # _____

**Department of Employment and
Economic Development #** _____

Date of Decision: _____

STATE OF MINNESOTA
COUNTY OF _____

I, _____ (Name), certify that on _____ (Date),
I served the attached **issued writ of certiorari (signed by the Clerk of the Appellate
Courts)** on the following parties by mailing to each of them a copy thereof, enclosed in
an envelope, first-class postage pre-paid, and by depositing the same in the United States
Mail, directed to said party as follows:

*(Fill in the name and address of the employer or employer's attorney on the lines below.
Add additional lines if there are additional employers. Then check the box next to each
party to whom documents were mailed.)*

Department of Employment & Economic Development
The Great Northern Building
180 East 5th St, Suite 1200
St. Paul, MN 55102

I declare under the penalty of perjury that everything I have stated in this document is true and correct.

(Signature)

(County where certificate was signed)

(Date of signature)

(State where certificate was signed)

**STATE OF MINNESOTA
IN THE COURT OF APPEALS**

CASE TITLE:

_____,
(Relator/Your Name)

vs.

1) _____,
(Respondent/Employer's Name)
_____,
(additional employer(s), if any)

2) Department of Employment &
Economic Development,

Respondent.

**RELATOR'S CERTIFICATE OF
SERVICE BY MAIL OF BRIEF AND
ADDENDUM**

(Revised October 18, 2022)

Appellate Case # _____

**Department of Employment and
Economic Development #** _____

Date of Decision: _____

STATE OF MINNESOTA
COUNTY OF _____

I, _____ (Name), certify that on _____ (Date),
I served the attached **brief** and **addendum** on the following parties by mailing to each of
them a copy thereof, enclosed in an envelope, first-class postage pre-paid, and by
depositing the same in the United States Mail, directed to said party as follows:

*(Fill in the name and address of the employer or employer's attorney on the lines below.
Add additional lines if there are additional employers. Then check the box next to each
party to whom documents were mailed.)*

Department of Employment & Economic Development
The Great Northern Building
180 East 5th St, Suite 1200
St. Paul, MN 55102

I declare under the penalty of perjury that everything I have stated in this document is true and correct.

(Signature)

(County where certificate was signed)

(Date of signature)

(State where certificate was signed)

