

**POB NTAWV RAU TUS KHEEJ SAWV CEV HAIS PLAUB TXOG
KEV POOB HAUI LWM
(PRO SE UNEMPLOYMENT APPEAL PACKET)**

Pob ntawv no yog pab neeg poob hauj lwm sau ntawv mus sib foob hais plaub txog tej nyiaj txiag uas tsis tag yuav muaj tus kws lij choj. Neeg ua hauj lwm hauv tsev hais plaub ncaj ncees yuav teb tau tej nqe lus nug tiam sis lawv kos tsis tau cov ntaub ntawv rau koj los yog muab tswv yim txog kev hais plaub rau koj.

Pob ntawv no muaj peb nqe: (1) lus piav txog cov txheej txheem hais plaub; (2) tsab ntawv kos kom paub tias dab tsi tiav lawm; (3) thiab cov ntawv uas koj yuav tsum kos muaj mus sib hais plaub.

**POB NTAWV PIAV RAU TUS KHEEJ SAWV CEV HAIS PLAUB
TXOG KEV POOB HAUI LWM
(PRO SE UNEMPLOYMENT APPEAL PACKET EXPLANATION)**

Peb tau txais koj cov lus qhia peb txog koj txoj kev tsis txaus siab uas xav hais plaub kom phua txim ua zaum kawg los ntawm tus kws phua plaub ntug rau cov tib neeg poob hauj lwm (ULJ) txog koj cov nyiaj poob hauj lwm. Tus ULJ txoj kev phua txim yog qhov kawg kiag. Koj yuav muab tsis tau tus ULJ txoj kev phua txim rov los hais dua tshwj tsis yog tias tau thov sij hawm teem caij nyog kom rov qab muab coj rov los soj ntsuam dua.

Yog koj sawv cev tam tus kheej los yog muaj tus kws lij choj sawv cev rau koj, thov muab cov ntaub ntawv no rau nws.

Yog koj yuav sawv cev hais plaub rau koj tus kheej, nyeem cov ntaub ntawv no kom zoo. Nws muaj cov ntaub ntawv uas koj yuav tsum tau kom muaj.

**OB TOG NEEG
(THE PARTIES)**

Koj yog ib tug neeg muaj feem xyuam mus hais plaub hu ua (*relator*). Tog koj foob yog hu ua (*respondents*). Tog raug foob yog:

- (1) Lub Chaw Hauj Lwm (yog muaj), thiab
- (2) Tuam Tsev Tsim Kho Kev Ua Hauj Lwm thiab Kev Lag Luam (fab).

**MINNESTOA COV KEV CAI TXOG COV TXHEEJ TXHEEM HAIS PLAUB KEV
NCAJ NCEES
(MINNESOTA RULES OF CIVIL APPELLATE PROCEDURE)**

Tag nrho txhua cov kev hais plaub yuav ua raws li cov txheej txheem no. Peb tau muab ua lus yooj yim qhia rau koj txog cov kauj ruam uas koj yuav tau ua raws lawm, koj yuav tau nyeem cov kev cai rau koj tus kheej kom paub mee ntxiv. Koj nrhiav tau cov kev cai no hauv lub tsev qiv ntawv kev cai lij choj hauv xeev Minnesota (Minnesota State Law Library) Chav G25 ntawm Minnesota Judicial Center, 25 Rev. Dr. Martin Luther King Jr. Blvd., St. Paul, MN 55155 (651-296-2775), haav cov tsev qiv ntawv dawb, los yog ntawm lub xeev qhov web site ntawm www.courts.state.mn.us.

Nov muaj lus qhia ntxiv txog ib cov ntsiab lus uas peb siv.

XA NTAUV HAIS PLAUB (FILING)

“Filing” txhais tau tias yog xa cov ntaub ntawv hais plaub mus rau qhov chaw ua hauj lwm (tus neeg ua hauj lwm hauv cov tsev hais plaub). Koj nqa tau cov ntaub ntawv mus los yog them nyiaj rau chaw xa ntawv hauv teb chaws Asmeska xa mus rau lub tsev hais plaub raws li lub sij hawm teev tseg.

Yog koj tsis xa tsab ntawv tsis txaus siab (*writ of certiorari*) mus rau qhov chaw phua plaub ua ntej 33 hnub tom qab tus ULJ tau xa tawm nws txoj kev phua txim soj ntsuam dua los yog ua ntej 30 hnub yog xuas cav fais fab xa tom qab Tus ULJ tsab ntawv phua txim siab xa tuaj rau koj lawm, koj rooj plaub yuav raug muab tso tseg.

KHIAV DEJ NUM (SERVICE)

Koj yuav tsum muab tag nrho cov ntaub ntawv tsis txaus siab uas koj xav foob txog mus rau cov neeg koj foob. Qhov no hu ua khiav dej num (*service*). Them nyiaj rau Teb Chaws Asmeskas chaw xa ntawv raws li lub sij hawm teev muaj. Yog koj xav nqa cov ntawv mus kom txog kiag, yuav tsum yog tub ceev xwm los yog lwm tus neeg hnub nyoog dhau 18 xyoo uas tsis muaj feem xyuam nrog rooj plaub nqa mus rau cov neeg koj foob. Vim koj muaj feem xyuam nrog rooj plaub, **koj nqa tsis tau cov ntawv mus rau cov neeg koj foob uas tsis muaj kws lij choj. Yog tus neeg koj foob muaj kws lij choj, koj nqa tau mus rau nws tus kws lij choj. Yuav tsum xa tsab ntawv tsis txaus siab (*writ of certiorari*) mus rau tus ULJ los yog tus Tuam Thawj Tuam Tsev Tsim Kho Kev Ua Hauj Lwm thiab Kev Lag Luam, thiab lub chaw ua hauj lwm.**

Yog koj tsis xa tsab ntawv thov kom rov soj ntsuam rooj plaub dua (*writ of certiorari*) rau tag nrho cov neeg koj foob ua ntej 33 hnub yog xa los yog ua ntej 30 hnub yog xuas cav fais fab xa tom qab Tus ULJ tsab ntawv phua txim siab xa tuaj rau koj lawm, rooj plaub no yuav raug muab tso tseg mus.

COV SIJ HAWM TEEV MUAJ (TIME PERIODS)

Koj muaj 30 hnub txij li hnub muab cov ntaub ntawv phua txim xa rau koj. Yog tus ULJ tsab ntawv phua txim muaj xa rau koj, koj muaj peb hnub ntxiv. Yog tus ULJ tsab ntawv phua txim muab cav fais fab xa rau koj ces koj tsis muaj peb hnub ntxiv xav koj tsab ntawv tsis txaus siab.

Xam lub sij hawm hnub kawg uas koj yuav tau xa cov ntaub ntawv, ua raws li cov kev cai nram no. Thaum pib suav lub sij hawm thawj hnub, tsis txhob suav hnub sib hais ua thawj hnub. Piv txwv, hnub tom qab uas Tus ULJ tsab ntawv phua txim xa tuaj rau koj yog thawj hnub ntawm koj qhov 33 hnub. Pib suav hnub ntawv mus thiab suav raws cov hnub. Yog xav

qhov phua txim raws cav fais fab ces hnuv tom qab phua txim tag yog thawj hnuv suav ntawm koj qhov 30 hnuv. Suav mus ntxiv cov hnuv. Tsis txhob kem cov hnuv so los yog cov hnuv caiv, YOG TIAS hnuv kawg kiag ntawm lub sij hawm no tsis yog kawg kiag rau hnuv Saturday, Sunday los yog hnuv soj raws kev cai lij choj. Yog li ces hnuv kawg yog hnuv rov ua hauj lwm tom ntej.

Cov hnuv so raws kev cai lij choj yog Xyoo Tshiaj Thawj Hnuv (Ib Hlis Hnuv tim 1); Martin Luther King Jr lub hnuv yug (hnuv Monday thib peb hauv lub Ib Hlis ntuj); Huab Tais hauv teb chaws Asmeska hnuv (hnuv thib peb hauv lub Ob Hlis ntuj); Nco txog cov ploj tuag lawm hnuv (hnuv Monday kawg kiag hauv lub Tsib Hlis ntuj); Hnuv Yeej Tsov Rog (Independence Day) (Xya Hli Hnuv tim 4); Hnuv So (thawj hnuv Monday hauv lub Cuaj Hli ntuj); Tub Rog Hnuv (Kaum Ib Hlis Hnuv tim 11); Hnuv Noj Tsiab (hnuv Thursday thib plaub hauv lub Kaum Ib Hlis ntuj); hnuv Friday tom qab hnuv Noj Tsiab; thiab Hnuv Yug Yesxus (Kaum Ob Hlis Hnuv tim 25).

Christopher Columbus Hnuv uas yog hnuv Monday thib ob hauv Kaum Hli ntuj TSIS YOG ib hnuv so raws kev cai lij choj hauv Misnixausta cov tsev hais plaub kev ncaj ncees. Yog tias hnuv kawg poob rau Christopher Columbus Hnuv, lub sij hawm hnuv kawg yuav TSIS ncuva mus rau hnuv tom ntej.

TSAB NTAWV KHIAB DEJ NUM
(AFFIDAVIT OF SERVICE)

Koj yuav tsum muaj ntawv pov thawj rau lub chaw ua hauj lwm paub tias koj tau ua cov dej num xa cov ntawv hais plaub thiab cov ntawv teev lus foob rau cov neeg koj foob. Koj sau tsab ntawv khiav dej num (*affidavit of service*) tau. (Saib tsab ntawv uas tom nrog tsab no). Koj yuav tau kos kom tiav tsab ntawv no thiab muaj neeg ntaus thwj rau. Lub chaw hauj lwm no ntaus thwj dawb tau. Feem ntau cov txhab cia nyiaj muaj neeg ntaus thwj uas tsub nqi me ntsis. Yuav tsum muaj tsab ntawv khiav dej num nrog *txhua* tsab ntawv uas xa mus hais plaub hauv tsev hais plaub kom muaj pov thawj qhia tias cov neeg raug foob tau cov ntau ntawv huv tib si lawm thiab. Koj sau ib tsab ntawv khiav dej num teev muaj tau ob peb tsab ntawv yog tias koj yuav mus hais cov plaub raws tib lub sij hawm thiab cov neeg sib foob yog tib co qub. Peb muab tib daim ntawv pov thawj no rau koj xwb, koj yuav tau coj mus luam ntxiv.

NQI XA NTAWV MUS TEEV THIAB COV NTAWV TEEV TUS NQI UA POV THAWJ
(FILING FEES AND COST BONDS)

Tus neeg tsis tau cov tshwj xeeb ntawm txoj kev poob hauj lwm tsis tag yuav tau them cov nqi xa teev ntawv los yog them us nqi txhiv nyiaj. (Lub chaw hauj lwm uas yuav mus sib hais plaub yuav tau them nqi \$550 (*cost bond*) rau lub chaw hauj lwm no thiab yuav tsum muaj daim ntawv teev tus nqi \$550 (*filing fee*) ua pov thawj (saib Txoj Cai 103.01, nqe 1 thiab 107 ntawm Minnesota cov kev cai hais plaub kom muaj kev ncaj ncees cov kauj ruam), yuav tsum muaj teev nrog rau Tuam Tsev Tsim Kho Kev Ua Hauj Lwm thiab Kev Lag Luam).

COV NTAUB NTAWV TEEV CIA
(THE RECORD)

Cov ntaub ntawv teev cia uas tuam tsev phua plaub yuav muab coj los rov xyuas yog cov ntaub ntawv xa mus rau tus ULJ thiab cov ntaub ntawv ua pov thawj tshiab, yog tias muaj, xa

mus rau tus ULJ kom rov xav dua seb puas yuav rov mus hais txog cov ua pov thawj. Fab khiav dej num yuav xa cov ntaub ntawv mus rau lub tsev phua plaub ntug rov hais dua. Koj muab tsis tau tej pov thawj tshiab yog lub tsev hais plaub tsis taut so kev pom zoo rau koj. Lub tsev phua plaub yuav tsis cia li kam txais tej ntaub pov thawj tshiaj.

Yog muaj rooj sib hais nyias li kev txhaum txheej ntawm rooj tshawb fawb pov thawj, lub chaw ua hauj lwm yuav npaj kom muaj cov ntawv teev tseg thiab suab lus kaw pub dawb. Cov ntawv teev muaj cov lus sib foob ntawm txhua tus neeg raug plaub thiab tus ULJ thaum hais rooj plaub. Yog koj xav tau, fab khiav dej num yuav luam xa txhua tsab ntawv pov thawj rau koj.

TSAB NTAWV TEEV LUS FOOB (BRIEFS)

Tsab ntawv teev lus foob (*brief*) yog ib tsab ntawv sau mus sib cam saum rooj plaub. Koj yuav tsum luam xa xya tsab ntawv tuaj rau lub chaw ua hauj lwm no thiab luam xa ob tsab mus rau ib tug neeg koj foob twg. *Saib* txoj cai 131.03. Koj yuav tsum xa tsab ntawv pov thawj qhia tias koj tau xa cov ntawv no thiab (Saib saum toj.) Yog Tuam Tsev Tsim Kho Kev Ua Hauj Lwm ntaus tau tsab ntawv cov lus sib hais plaub, koj yuav tsum xa koj tsab ntawv teev lus foob ua ntej 33 hnuv tom qab xa tsab ntawv ntaus cov lus rau koj. Yog tsis muaj tsab ntawv ntaus cov lus sib hais plaub, koj yuav tsum tau xa koj tsab ntawv teev lus foob ua ntej 30 hnuv tom qab koj xa tsab ntawv tsis txaus siab yuav nce hais plaub ntxiv. *Saib* txoj cai 131.01, nqe 1.

Tam li tus neeg muaj feem xyuam yuav mus sib hais plaub, koj yuav tsum xa tsab ntawv teev lus foob los sis koj rooj plaub yuav raug tso tseg. *Saib* txoj cai 142.02. Koj xa tau tsab ntawv lus foob uas teev lus muaj paus ntsis zoo txhij heev los yog tsab muaj cov ntsiab lus xwb los yog tsuas sau qhia tias koj muab ib tsab ntawv tsis txaus siab rau tus ULJ. Feem ntau cov neeg muaj feem xyuam yuav mus sib hais plaub tsuas sau tsab ntawv muaj cov ntsiab lus xwb.

Tsab ntawv teev lus foob uas muaj paus muaj ntsis zoo txhij heev yuav tsum muaj nplooj ntawv teev cov txheej txheem, nqe lus teev cov kev cai, nqe lus foob thiab cov lus tseeb ua pov thawj rau cov lus foob, nqe lus tsis txaus siab, nqe lus kawg, thiab nplooj ntawv teev cov tsiab lus. *Saib* txoj cai 128.02. Tsab ntawv muaj paus muaj ntsis zoo txhij yuav tsum muab khawb ua ke. *Saib* txoj cai 132.01 (muaj cov hom kev khawb cov ntawv lus foob uas lub tsev hais plaub loj txwv).

Tsab ntawv teev lus muab khawb tau ua ke, thiab yuav tsum muaj tsab ntawv sau tsis txaus siab thiab tsab ntawv teev cov ntsiab lus appendix. Xyuas 128.01, nqe 1.

Muab khawb tsab ntawv teev lus foob uas muaj cov ntsiab lus khawb ua ke los tau thiab yuav tsum muaj nqe lus tsis txaus siab thiab nplooj ntawv teev cov ntsiab lus. *Saib* txoj cai 128.01, nqe 2. (Tsuas xa tsab ntawv tsis txaus siab tau yog koj twb sau tsab ntawv teev lus foob mus rau tus ULJ lawm. Koj xa tau tsab ntawv lus foob nrog rau ib tsab ntawv luv luv teev koj cov lus tsis txaus siab rau tus ULJ txoj kev phua txim.

Tsis hais hom ntawv foob twg uas koj xa mus, koj yuav tsum muaj nrog rau tsawg kawg mas yog tsab ntawv foob tsis txaus siab (*writ of certiorari*) thiab tsab ntawv sau mus thov kom rov soj ntsuam rooj plaub dua thiab luam tus ULJ tsab ntawv phua txim uas koj tsis txaus siab rau. *Saib* txoj cai 130.01.

TXUAS SIJ HAWM NTXIV THIAB LWM YAV XAV TAU
(TIME EXTENSION OR OTHER REQUESTS)

Yog koj xa tsis tau cov ntaub ntawv thiab xa tsis tau koj tsab ntawv lus foob ua ntej 30 hnuv, thiab koj xav tau sij hawm ntxiv los yog xav kom lub tsev hais plaub txo lwm yam, koj yuav tsum sau tsab ntawv thov mus rau tuam tsev phua plaub. Koj tsab ntawv pom zoo yuav tsum mus ua ntej lub sij hawm uas koj xav ncuva mus txog. Cov kev sau tsab ntawv pom zoo muaj nyob rau txoj cai 127. Tsab ntawv pom zoo yuav tsum teev txoj kev txo thiab koj cov laj thawj. Koj yuav tsum xa tsab ntawv pom zoo ua kev nrog plaub tsab uas yog luam rau Tuam Tsev Tsim Kho Kev Ua Hauj Lwm thiab lub chaw ua hauj lwm. **Ceev faj: Raws li hais tag los, lub tsev hais plaub ncuva tsis tau sij hawm rau txoj kev xa ntawv thiab xa tsab ntawv thov muab rooj plaub soj ntsuam dua.**

YUAV PHUA TXIM KOJ ROOJ PLAUB LI CAS
(HOW WILL YOUR CASE BE DECIDED)

Tom qab ob tog tau xa cov ntawv lus foob, yuav coj koj rooj plaub mus hais rau ntawm peb tug kws phua txim plaub ntug hauv Tsev Hais Plaub. Yog koj tsis muaj kws lij choj sawv cev rau koj, lub tsev hais plaub yuav tsis kheev ib tog twg sib cam lus tau. *Saib* Minn. App. Spec. R. Prac. 2. Koj yuav txais ib tsab ntawv teev qhia lub sij hawm uas pab neeg phua txim thiab cov kws phua txim plaub ntug yuav hais lus sib cam los sis tsis ua lus sib cam ua kev phua txim rau koj rooj plaub.

Tom qag muab rooj plaub mus rau pab kws phua txim plaub ntug lawm, lub tsev hais plaub yuav xa ib tsab ntawv phua txim ua ntej 90 hnuv. Yog koj tsis txaus siab rau txoj kev phua txim, koj muaj 30 hnuv rau koj xa tsab ntawv tsis txaus siab kom Xeev Minnesota Tsev Hais Plaub Supreme Court rov muab los xyuas dua. *Saib* txoj cai 117.

Qhov chaw nyob, xov toj thiab caij nyoog qhib ua hauj lwm ntawm lub chaw hauj lwm no yog:

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

(651) 296-2581

8:00 teev sawv ntxov-4:30 tsaus ntuj Monday - Friday

Web chaw xyuas: www.mncourts.gov

COV KAUI RUAM

Cov no yog cov kauj ruam uas koj yuav tsum tau ua raws thaum pib koj rooj plaub. Thov ua raws li cov kev cai qhia. Yog koj tsis ua li hais, koj yuav ncuaj tej kauj ruam tseem ceeb heev thiab tej zaum yuav tsis tau mus hais plaub.

1. **Thawj kauj ruam, kos cov ntawv nram no, kos tag nrho cov nqe uas tsis muaj dab tsi.** Peb tau muab ib hom ib daim ntawv rau koj. Yog koj tsis kos txhua nrho cov uas tsis muaj dab tsi, peb yuav xa cov ntawv rov rau koj thiab tej zaum yuav lig dhau lub sij hawm rau koj tuaj mus sib hais plaub.

_____ Tsab ntawv thov kom rov soj ntsuam (*Petition for writ of certiorari*).
(Tsab ntawv no qhia peb tias koj tsis txaus siab rau yam dab tsi)

_____ Tsab ntawv thov rov soj ntsuam (*Writ of certiorari*).
(Tsab ntawv no yog tsab peb yuav kos npe rau thiab muab rov rau koj)

_____ Tsab ntawv teev rooj plaub (*Statement of the cease*).
(Tsab no tsuas teev cov ntsiab lus ntawm koj rooj plaub uas **qhia me ntsis txog** cov laj thawj uas koj xav tias vim li cas tus ULJ txoj kev phua txim tsis yog lawm. Koj sau tau cov lus sib cam uas koj xa tau mus rau lub tsev hais plaub tom qab. Tsis tas yuav muaj lwm cov ntaub ntawv nrog tsab ntawv no. Yog koj nyiam, koj muab cov ntaub ntawv uas twb teev tag lawm uas yog ib feem ntawm rooj plaub no cov ntaub ntawv teev cia.)

2. **Kauj ruam ntxiv mus, koj yuav tsum xa cov ntawv mus teev (file) rau lub chaw ua hauj lwm no ua ntej 33 hnub, los yog 30 hnub tom qab tus ULJ xuas cav fais fab xa nws tsab ntawv phua txim tuaj rau koj.** Xa ntawv teev yuav hais plaub “filing” txhais tau tias koj yuav yuav tsum xa los yog nqa kiag cov ntaub ntawv no mus rau lub chaw ua hauj lwm no. Peb nyob ntawm Clerk of the Appellate Courts Office, 25 Rev. Dr. Martin Luther King Jr. Blvd., Suite 305, St. Paul, MN 55155. **Yog koj tsis xa tsab ntawv thov kom rov muaj rooj plaub soj ntsuam ua ntej 33 hnub tom qab tus ULJ xa nws tsab ntawv phua txim los yog 30 hnub tom qab xuas cav fais fab xa, koj rooj plaub yuav raug muab tso tseg.**

_____ Tsab ntawv thov kom rov soj ntsuam (*Petition for writ of certiorari*).

_____ Tsab ntawv thov rov soj ntsuam (*Writ of certiorari*).

_____ Tsab Ntawv Teev Tsab Plaub tseem thiab luam ib tsab nrog (*statement of the case*).

_____ Luam ib tsab ntawv phua txim los ntawm tus ULJ uas koj tsis txaus siab.

3. **Ntxiv mus, koj yuav tsum xa (serve) cov ntawv rau cov neeg koj foob nram no ua ntej 33 hnub tom qab tus tswv thawj xa nws tsab ntawv phua txim rau koj, los yog 30 hnub yog xuas cav fais fab xa tsab ntawv phua txim rau koj.** Xa ntawv txhais tias koj yuav tsum muab xa los yog muab rau ib tug neeg nqa kiag mus rau cov neeg koj foob. **Yog koj tsis xa tsab ntawv thov kom rov soj ntsuam rooj plaub dua ua ntej 33 hnub tom qab tus ULJ xa nws tsab ntawv phua txim, los yog 30 hnub yog nws xuas cav**

fais fab xa, koj rooj plaub yuav raug muab tso tseg. Cov neeg koj foob yog Tus Tswv Thawj hauv Tuam Tsev Tsim Kho Kev Ua Hauj Lwm thiab Kev Lag Luam (Department of Employment and Economic Development) thiab koj lub chaw ua hauj lwm.

_____ The Department of Employment and Economic Development
E200 First National Bank Bldg
332 Minnesota Street
St. Paul MN 55101

_____ Qhov chaw ua hauj lwm
Yog lub chaw ua hauj lwm muaj tus kws lij choj, koj yuav tsum xa mus rau tus kws lij choj los yog nqa kiag mus rau. Yog lub chaw hauj lwm tsis muaj tus kws lij choj, koj yuav tau xa mus rau lub chaw hauj lwm. Koj xa tau tiam sis koj nqa tsis tau koj tus kheej mus rau lub chaw hauj lwm. Yog koj xav nqa mus, koj yuav tsum kom tub ceev xwm los yog ib tug neeg nto 18 xyoo nqa mus.

Xa cov ntawv uas kos tiav nram no mus rau fab khiav dej numb (tus ULJ los yog tus tswv thawj) thiab lub chaw hauj lwm:

_____ Luam ib tsab ntawv thov kom rov soj ntsuam. (*petition for writ of certiorari*)

_____ Luam ib tsab ntawv thov rov soj ntsuam uas tsis tau kos npe. (*writ of certiorari*)

_____ Luam tsab Ntawv Teev Tsab Plaub tseem uas sau tiav thiab luam ib tsab nrog. (*statement of the case*)

_____ Luam tsab ntawv phua txim uas koj tsis txaus siab los ntawm tus ULJ.

4. **Tom qab xa tag cov ntaub ntawv raws li kauj ruam 3, koj yuav tsum xa tsab ntawv khiav dej num (*affidavits of service*) tuaj rau lub chaw ua hauj lwm no.** Tsab ntawv khiav dej num yog tau lees lus muaj ntaus thwj ua pov thawj hais tias koj tau xa cov ntaub ntawv. Peb luam ib tsab rau koj khaws cia thiab koj yuav luam ntau daim yog koj xav tau ntxiv. Tus neeg khiav dej num hauv lub chaw ua hauj lwm no yuav ntaus thwj tau rau koj dawb xwb. Feem txhab cia nyiaj ntau muaj neeg ntaus thwj uas tsub nqi me me.

_____ Tsab ntawv khiav dej num qhia tseeb tias koj tau xa mus rau Tuam Tsev Tsim Kho Kev Ua Hauj Lwm thiab koj lub chaw ua hauj lwm nrog rau tsab ntawv sau mus thov kom rov soj ntsuam, tsab ntawv thov rov soj ntsuam rooj plaub, tsab Ntawv Teev Tsab Plaub tseem thiab luam ib tsab nrog thiab tsab ntawv phua txim uas koj tsis txaus siab los ntawm tus ULJ.

5. **Tom qab koj xa cov ntawv teev rooj plaub rau lub chaw ua hauj lwm no tag, peb yuav kos npe rau tsab ntawv thov kom rov soj ntsuam dua uas koj muab rau peb. Thaum tus neeg khiav dej num kos npe tag, peb yuav xam tias yog “xa tag lawm”. Ces peb yuav luam tsab ntawv no rov muab rau koj. Koj yuav tsum xa tsab ntawv no mus rau cov neeg koj foob nram no:**

_____ Tuam Tsev Tsim Kho Kev Ua Hauj Lwm thiab Kev Lag Luam (Department of Employment and Economic Development).

_____ Lub Chaw Hauj Lwm

6. **Koj yuav tsum xa cov ntawv nram no mus rau Xeev Minnesota Kws Lij (Minnesota Attorney General)** ntawm qhov chaw nyob nram no:

900 NCL Tower
445 Minnesota St.
St. Paul, MN 55101

_____ Tsab ntawv thov kom rov soj ntsuam uas sau tiav hlo. (*petition for writ of certiorari*)

_____ Tsab ntawv thov rov soj ntsuam uas kos npe tiav. (*writ of certiorari*)

7. **Kauj ruam ntxiv mus yog xa tsab ntawv teev koj cov lus foob (brief) mus rau lub tsev phua plaub no.** Tsab ntawv teev lus foob yog lus cam thiab piav seb vim li cas koj thiaj ntseeg hais tias tus ULJ txoj kev phua txim tsis yog lawm.

Yog koj rooj plaub raug mus sib hais ntawm tus ULJ, Tuam Tsev Tsim Kho Kev Ua Hauj Lwm mam li xa tsab ntawv teev cov lus sib hais rau koj. Tsab ntawv no ntaus cov lus uas txhua tog neeg tau hais rau tus ULJ txog kev cai ua hauj lwm tau hnov. Koj yuav tsum xa tsab ntawv teev koj cov lus foob rau lub tsev hais plaub no thiab rau Tuam Tsev Tsim Kho Kev Ua Hauj Lwm thiab koj lub chaw hauj lwm **ua ntej 33 hnub** tom qab hnub uas tsab ntawv ntaus tiav xa rau koj.

Yog koj rooj plaub tsis raug mus sib hais ntawm tus ULJ, koj yuav tau xa koj tsab ntawv teev koj cov lus foob rau lub tsev hais plaub no *ua ntej 30 hnub* tom qab koj xa koj cov lus tsis txaus siab rau lub tsev hais plaub no.

_____ Xa ***xya*** tsab ntawv teev koj cov lus foob rau tus neeg khiav dej num hauv lub Tsev Hais Plaub Chaw Ua Hauj Lwm. (*Clerk of the Appellate Courts Office*)

_____ Xa ***ob*** tsab ntawv teev koj cov lus foob rau Tuam Tsev Tsim Kho Kev Ua Hauj Lwm thiab Kev Lag Luam (Department of Employment and Economic Development).

_____ Xa ***ob*** tsab ntawv teev koj cov lus foob rau lub chaw hauj lwm (yog nws tsis muaj tus kws lij choj), los yog lub chaw hauj lwm tus kws lij choj.

PRO SE UNEMPLOYMENT APPEAL PACKET

The purpose of this packet is to help unemployment-benefits applicants file an appeal without an attorney. Staff from the clerk of the appellate courts office can answer basic questions, but they cannot fill out the forms or give legal advice.

There are three parts to this packet: (1) an explanation of the appeal process; (2) a checklist; and (3) forms you need for the appeal.

PRO SE UNEMPLOYMENT APPEAL PACKET EXPLANATION

We have received your communication telling us that you wish to appeal a final decision of the unemployment law judge (ULJ) regarding your claim for unemployment benefits. The ULJ's order ruling on a request for reconsideration is the final decision. You cannot appeal the ULJ's initial decision unless a timely request for reconsideration was made.

If you are or will be represented by an attorney, please give him or her this material.

If you will be handling the appeal yourself, please read this material carefully. It includes copies of the forms you need.

THE PARTIES

You, as the appealing party, are called the "relator." The other parties are called the "respondents." The respondents are:

- (1) The employer (if any), and
- (2) The Department of Employment and Economic Development (the department).

MINNESOTA RULES OF CIVIL APPELLATE PROCEDURE

These rules apply to all appeals. While we have given you a simplified version of what you need to do, you can read the rules yourself for more information. You can find these rules at the Minnesota State Law Library, Room G25, Minnesota Judicial Center, 25 Rev. Dr. Martin Luther King Jr. Blvd., St. Paul, MN 55155 (651-296-2775), at public libraries, or at the state court web site at www.courts.state.mn.us

Here is more information about some of the terms we use.

FILING

"Filing" means giving documents to this office (the clerk of appellate courts). You may file documents by hand-delivering them to this office or by placing the documents in the United States mail, first-class postage prepaid, within the time required to file the document.

If you do not file the petition for the writ of certiorari within 33 days after the ULJ's decision on reconsideration was mailed, or within 30 days after the decision was sent to you by electronic transmission, your appeal will be dismissed.

SERVICE

You must give a copy of all appeal papers to all respondents either personally or by mail. This is called "service." Service by mail is made by depositing the papers in the United States mail, first-class postage prepaid, within the appeal period. If you decide to have the papers served personally, this may be done by the sheriff or another person 18 years or older who is not a party to the appeal. Because you are a party to the appeal, **you may not personally serve the papers yourself on a respondent who does not have an attorney. If a respondent has an attorney, you may personally serve the attorney. The petition for the writ of certiorari must be served on either the ULJ or the Commissioner of Employment and Economic Development, as well as on the employer.**

If you do not serve the petition for the writ of certiorari on all of the respondents within 33 days after the ULJ's decision was mailed, or within 30 days after the decision was sent to you by electronic transmission, your appeal will be dismissed.

TIME PERIODS

You have 30 days to appeal from the time the review judge's decision on reconsideration was sent to you. If the ULJ's decision was mailed to you, you have an extra three days to appeal. If the ULJ's decision was sent to you by electronic transmission, then you do not get the extra three days for mailing.

To figure out when the period of time to file and serve a document ends, apply the following rules. When you start counting the days, do not count the day that the event occurred that started the time period, but start counting the next day. For example, if the decision was mailed to you, the day after the ULJ's decision was mailed to you is the first day of your 33-day appeal period. If the decision was sent by electronic transmission, the day after the decision was transmitted is the first day of the 30-day appeal period. Continue counting calendar days. Do not skip weekends or legal holidays, UNLESS the last day of the period falls on a Saturday, Sunday, or legal holiday. Then the deadline is the next business day.

Legal holidays for the appellate courts are New Year's Day (January 1); Martin Luther King, Jr.'s birthday (the third Monday in January); President's Day (the third Monday in February); Memorial Day (the last Monday in May); Independence Day (July 4); Labor Day (the first Monday in September); Veteran's Day (November 11); Thanksgiving Day (the fourth Thursday in November); the Friday after Thanksgiving; and Christmas Day (December 25).

Christopher Columbus Day, which falls on the second Monday in October, is NOT a legal holiday for the Minnesota appellate courts. If the last day of the period falls on Christopher Columbus Day, the period is NOT extended until the next day.

AFFIDAVIT OF SERVICE

You must file proof with this office that you have served the appeal papers and briefs on respondents. This can be done by filing a completed affidavit of service. (See the attached form.) You must complete this form and have it notarized. This office can notarize the affidavit at no charge. Most banks also have a notary who can do this for a small fee. An affidavit is required for *every* document you file with the court, to prove that you have given copies to all the other respondents. You may file one affidavit listing multiple documents if you serve those documents on the same date and on the same parties. We have given you only one copy of this form, so you may need to make extra copies.

FILING FEES AND COST BONDS

As an applicant appealing the denial of unemployment benefits, you do not have to pay a filing fee or provide a cost bond. (An employer who appeals must pay a \$550 fee to this office and furnish a cost bond in the amount of \$550 (*see* Rules 103.01, subd. 1, and 107 of the Minnesota Rules of Civil Appellate Procedure), to be filed with the Department of Employment and Economic Development.)

THE RECORD

The record that the court of appeals will look at includes the evidence submitted at the evidentiary hearing before the ULJ, and the new evidence, if any, submitted to the ULJ on reconsideration if a new evidentiary hearing was requested. The department will send the record to the court of appeals. 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.

If testimony was given at the evidentiary hearing, the department 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. If you request it, the department will also send you a copy of all exhibits introduced into evidence.

BRIEFS

The brief is your written argument on appeal. You must file seven copies of the brief with this office, and serve two copies on each of the respondents. *See* rule 131.03. You must also file proof of service for the brief. (See above.) If the department prepared a transcript, you must serve and file your brief within 33 days after the date the transcript was mailed to you. If there is no transcript, you must serve and file your brief within 30 days after the appeal was filed. *See* rule 131.01, subd. 1.

As the relator, you must file a brief, or your appeal will be dismissed. *See* rule 142.02. You may file either a formal or an informal brief, or you may use a memorandum of law that you gave to the ULJ with a short letter argument. Most relators file informal briefs.

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 appendix. *See* rule 128.02. A formal brief must be bound. *See* rule 132.01 (includes the supreme court's order regarding acceptable types of binding).

An informal brief may be stapled, and must include a written argument and appendix. *See* rule 128.01, subd. 1.

A memorandum and short letter argument may also be stapled and must include an appendix. *See* rule 128.01, subd. 2. (This may only be filed if you submitted a written memorandum of law to the ULJ. You may then submit as your brief your memorandum to the ULJ along with a short letter argument that addresses the ULJ's decision.)

Regardless of the type of brief you file, you must include an appendix to your brief that contains, at a minimum, a copy of the petition and writ of certiorari and a copy of the ULJ's decision that you are appealing. *See* rule 130.01.

TIME EXTENSIONS OR OTHER REQUESTS

If you cannot serve and file your brief within 30 days and you need more time, or if you want any other relief from the court, you must serve and file a written motion asking the court for the relief you need. Your motion should be made before the deadline you wish to extend. The requirements for a motion are found in rule 127. The motion must state the relief requested and your reasons for the request. You must serve the written motion on the department and the employer and file an affidavit of service for the motion together with four copies of the motion. **Caution: As previously stated, the court of appeals cannot extend the time to serve and file the petition for writ of certiorari.**

HOW YOUR CASE WILL BE DECIDED

After the parties have filed their briefs, your appeal will be submitted to a panel of the Court of Appeals consisting of three judges. If you are not represented by an attorney, the Court of Appeals will not allow oral argument by any party. *See* Minn. App. Spec. R. Prac. 2. You will receive notice of the date of oral argument or nonoral consideration by the panel, and the names of the judges assigned to decide your case.

After the appeal has been submitted to the panel, the court of appeals will issue a written decision within 90 days. If you are dissatisfied with the result, you have 30 days after the filing of the court of appeals decision to file a petition requesting review by the Minnesota Supreme Court. *See* rule 117.

The mailing address, phone number, and work hours of this office are:

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

(651) 296-2581

8:00-5:00 Monday - Friday

Web address: www.courts.state.mn.us

CHECKLIST

These are the steps that you must follow to begin your appeal. Please follow the directions exactly. If you do not do so, you may miss an important step and you could lose your opportunity to appeal.

1. **First, fill out the following forms, filling in all the blanks.** We have given you a copy of each of these forms. If you do not fill out all the blanks, we may have to send the forms back to you and it might then be too late for you to appeal.

_____ Petition for writ of certiorari
(This is the form that tells us that you want to appeal)

_____ Writ of certiorari
(This is the form that we will sign and give back to you)

_____ Statement of the case
(This is just an outline of your case that **summarizes** the reasons why you think the decision by the ULJ was wrong. You can make detailed arguments in the brief that you will file with this court later. It is not necessary to attach any other documents to this form. If you want, you can attach documents that are already part of the record to your brief.)

2. **Next, you must file with this office the following completed forms within 33 days after the date the ULJ's decision on reconsideration was mailed to you, or within 30 days after the ULJ's decision was sent by electronic transmission.** "Filing" means that you must mail or hand-deliver these documents to this office. We are located at Clerk of the Appellate Courts Office, 25 Rev. Dr. Martin Luther King Jr. Blvd., Suite 305, St. Paul, MN 55155. **If you do not file the petition for writ of certiorari within 33 days after the ULJ's decision on reconsideration was mailed, or within 30 days after the decision was sent by electronic transmission, your appeal will be dismissed.**

_____ Petition for writ of certiorari

_____ Writ of certiorari

_____ One original statement of the case and one copy of the statement of the case

_____ A copy of the ULJ's decision that you are appealing

3. **In addition, you must serve the following respondents within 33 days after the ULJ's decision on reconsideration was mailed to you, or within 30 days after the decision was sent to you by electronic transmission.** "Serving" means that you must mail these papers or have them given in person to the respondents. **If you do not serve the petition for the writ of certiorari within 33 days after the date the ULJ's decision on reconsideration was mailed to you, or within 30 days after the decision was sent to you by electronic transmission, your appeal will be dismissed.** The respondents are the Department of Employment and Economic Development and the employer.

_____ The Department of Employment and Economic Development
E200 First National Bank Bldg
332 Minnesota Street
St. Paul MN 55101

_____ The employer
If the employer has an attorney, you must serve the attorney, either by mail or personally. If the employer does not have an attorney, you must serve the employer. You can do so by mail, but you cannot personally hand deliver the documents to the employer. If you decide to have the documents hand-delivered, rather than mailed, you must have the sheriff or a person 18 years or older serve them.

Serve the department (either the ULJ or the commissioner) and the employer with the following completed forms:

- _____ A copy of the petition for writ of certiorari
- _____ A copy of the unsigned writ of certiorari
- _____ A copy of the statement of the case
- _____ A copy of the ULJ's decision that you are appealing

4. **After serving the documents listed in step 3, you must then promptly file affidavits of service with this office for the documents.** An affidavit of service is a sworn, notarized statement saying that you served the documents. We have given you one copy of an affidavit of service, and you must make any more copies that you need. The clerk's office can notarize the affidavit of service at no charge. Most banks also have a notary who can notarize the affidavit of service for you for a small charge.

_____ Affidavits of service to prove that you have served the department and the employer with the petition for the writ, the unsigned writ of certiorari, the statement of the case, and a copy of the ULJ's decision that you are appealing.

5. **After you file your papers with this office, we will sign the writ of certiorari that you gave us. Once the clerk's office signs the writ, it is considered "issued." We will then give you copies of the issued writ. You must then also serve a copy of the issued writ on the following respondents:**

- _____ The Department of Employment and Economic Development
- _____ The employer

6. **You must also serve the following documents on the Minnesota Attorney General at the following address:**
900 NCL Tower
445 Minnesota St.
St. Paul, MN 55101

_____ A copy of the completed petition for writ of certiorari

_____ A copy of the signed writ of certiorari.

7. **Your next step is to file a brief with this court.** A brief is a written argument explaining why you believe the decision by the ULJ was wrong.

If testimony was given at the hearing before the ULJ, the department will mail you a copy of the transcript of your hearing. A transcript is a typed copy of what all of the parties and the ULJ said at your hearing. You must then file a brief with this court and serve it on the department and the employer *within 33 days* after the date that the transcript was mailed to you.

If no testimony was given at the hearing before the unemployment law judge, you must file your brief with this court *within 30 days* after you filed your petition with this court.

_____ File *seven* copies of your brief with the Clerk of the Appellate Courts Office.

_____ Serve *two* copies of your brief on the Department of Employment and Economic Development.

_____ Serve *two* copies of your brief on the employer (if it does not have an attorney), or on the employer's attorney.

STATE OF MINNESOTA

IN COURT OF APPEALS

CASE TITLE:

Relator (your name)

**PETITION FOR WRIT OF
CERTIORARI**

vs.

COURT OF APPEALS #:

1) _____,
Respondent (employer's name),

DEPARTMENT OF
EMPLOYMENT & ECONOMIC
DEVELOPMENT #:

2) Department of Employment & Economic
Development,
Respondent

DATE OF DECISION:

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. You will make a detailed argument in your brief that you
will be filing later.)

DATED: _____

(Signature of you or your attorney)

(Print your name)

(Address)

(Telephone number)

STATE OF MINNESOTA

IN COURT OF APPEALS

CASE TITLE:

_____,
Relator (your name)

WRIT OF CERTIORARI

vs.

COURT OF APPEALS #:

1) _____,
Respondent (employer's name),

DEPARTMENT OF
EMPLOYMENT & ECONOMIC
DEVELOPMENT #:

2) Department of Employment & Economic
Development,
Respondent.

DATE OF DECISION:

TO: Department of Employment & Economic Development:

You are hereby ordered to return to the Court of Appeals within 10 days after the date relator's brief is due 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.

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 or its attorney at:

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

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 COURT OF APPEALS

CASE TITLE:

_____,
Relator (your name)

**STATEMENT OF CASE OF
RELATOR**

vs.

COURT OF APPEALS #:

_____,
Respondent (employer's name),

DEPARTMENT OF
EMPLOYMENT & ECONOMIC
DEVELOPMENT #:

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 raised to the unemployment law judge:

_____.
5. Short description of issues you are raising in this appeal. (This is meant to be a short outline of your argument. You can make a detailed argument in the brief you will file with this court 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:

() 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 appendix (*see* rule 128.02). A formal brief must be bound (*see* rule 132.01).

() Informal brief under rule 128.01, subd. 1

An informal brief contains a concise statement of your argument. It may be stapled.

() Trial memoranda, supplemented by a short letter argument under rule 128.01, subd. 2

All briefs must contain an appendix that includes at least a copy of the petition and writ of certiorari and a copy of the decision that you are appealing.

10. Names, addresses, zip codes and telephone numbers of relator and respondent (or attorneys, if any).

Relator:

Print name: _____

Address: _____

Telephone: _____

Signature: _____

Employer (or attorney):

Name: _____

Address: _____

Telephone: _____

Atty. Reg. #: _____

DEPARTMENT OF EMPLOYMENT & ECONOMIC DEVELOPMENT

E200 First National Bank Building

332 Minnesota Street

St. Paul, MN 55101

MINNESOTA ATTORNEY GENERAL

900 Bremer Tower

445 Minnesota Street

St. Paul, MN 55101-2127

You must make as many copies of this form as you need.

STATE OF MINNESOTA
IN COURT OF APPEALS

CASE TITLE:

Relator (your name)

COURT OF APPEALS #

vs.

**RELATOR'S AFFIDAVIT
OF SERVICE BY MAIL**

1) _____,
Respondent (employer's name),

2) Department of Employment & Economic
Development,
Respondent

STATE OF MINNESOTA
COUNTY OF _____

I, _____ (**Your name**), being first duly sworn, depose and say that on _____ (**Date**), I served the attached petition and writ of certiorari and the statement of the case, on the following parties by mailing to each of them a copy thereof, enclosed in an envelope, postage pre-paid, and by depositing the same in the United States Mail, directed to said party as follows:

1. _____ (**Name & address of employer OR
employer's attorney.**)

2. **Department of Employment & Economic Development
E200 First National Bank Building
332 Minnesota Street
St. Paul, MN 55101**

I have also provided a copy of the Petition and Writ to the
**Minnesota Attorney General
900 Bremer Tower
445 Minnesota Street
St. Paul, MN 55101-2127**

(Your signature)

Dated: _____

Notary: _____