

Virginia Employment Commission
First Level Appeals
P.O. Box 26441
Richmond, VA 23261-6441
Fax: (804) 786-8492

Virginia Employment Commission – Appeals Division

Attached are two letters in support of my appeal. The first satisfies VEC's required appeal reasons, and the second addresses due process violations, record inaccuracies, and the necessity of reasonable accommodations. Both letters should be considered together in the adjudication of my appeal.

Request Confirmation of Receipt

Virginia Employment Commission – Appeals Division

Subject: Appeal of Unemployment Benefits Denial & Failure to Address Previously Submitted Requests

To Whom It May Concern,

This appeal is submitted in response to the **wrongful denial of my unemployment benefits**, ongoing **mismanagement of my claim**, and the **inaccuracies in VEC records** that have resulted in an unjust determination. I have brought **multiple discrepancies** to the attention of the VEC in prior written statements, yet they **remain unresolved**, necessitating this formal appeal.

1. Previously Submitted Requests & Failure to Address Key Issues

On **January 16, 2025**, and **January 20, 2025**, I formally requested **reasonable accommodations**, which should have been incorporated into the appeals process from the outset. Despite **verified proof** that these requests were submitted, they remain **unacknowledged**. If VEC maintains that these requests were not received, **this letter serves as an official request** for immediate accommodation.

Additionally, **inaccuracies in my employment records** were previously brought to VEC's attention, yet the **same erroneous data** continues to be relied upon. I have submitted **multiple corrections in writing**, yet they have not been reflected in my case. VEC's failure to address these concerns undermines both **the integrity of its decision-making process** and my **right to due process** under the **14th Amendment**.

2. Errors in Employer Information and Work History

VEC has relied on **incorrect and outdated employer-reported data** that directly affected my eligibility determination. The errors include:

- **Employer Name & Location:** The employer information **does not match** my actual employer or work location.
- **Employment Dates:** The start and end dates recorded by VEC are **incorrect**.
- **Separation Details:** The reason for my separation **does not align** with my employment records.

Under **§ 60.2-612(5) of the Virginia Unemployment Compensation Act**, VEC is legally required to **verify the accuracy** of employment records **before making a determination**. Any discrepancies in employer-reported information **must be resolved before denying benefits**.

3. Due Process Violations – 14th Amendment

As a claimant affected by an **adverse administrative decision**, I have a **constitutional right** to a **fair and impartial review**. The VEC **cannot lawfully** rely on **inaccurate employer records** without providing claimants the opportunity to **correct** these errors.

The **continued reliance on incorrect information** and **failure to incorporate previous corrections** amounts to a **due process violation** under the **14th Amendment**, as it prevents me from receiving a **fair and impartial hearing**.

4. Compliance with Work Search & Registration Requirements (§ 60.2-612(5))

The **denial of my benefits does not reflect my compliance** with VEC's work search and registration requirements, as I have:

- **Registered for work** and continued reporting in accordance with VEC regulations.
- **Consistently filed my weekly claims**, maintaining my eligibility.

The **VEC is legally required** under **§ 60.2-612(5)** to **consider a claimant's work search compliance before making a determination of ineligibility**. My compliance has been **improperly disregarded** in the decision-making process.

5. Mandatory Acknowledgment of Appeal & Record Correction

Pursuant to the **Virginia Public Records Act (VPRA)** and the **Virginia Freedom of Information Act (FOIA) (§ 2.2-3704)**, I formally request:

1. **Written acknowledgment of this appeal** and confirmation of receipt.
2. **A review and correction of my employment records** to ensure accuracy.
3. **A complete copy of my VEC account records** for verification purposes.

6. Request for Retroactive Integration of Due Process & Procedural Guidance

Since **reasonable accommodations** should have been part of the process from **the beginning**, I request that the **VEC provide its official procedures** for **retroactively integrating due process** where claimants were not initially afforded proper accommodations. Specifically:

- **How does the VEC review past administrative decisions** where claimants were denied accommodations?
- **What corrective measures are in place** to ensure that claimants are not unfairly disadvantaged?
- **How does VEC ensure compliance with federal and state disability laws** in its appeals process?

7. Request for Reversal & Reinstatement of Benefits

Given the **material errors** in my case, I formally request:

- **The immediate reversal of my benefits denial.**
- **The correction of my employment records.**
- **A hearing to present supporting evidence**, if necessary.

This appeal is submitted in full compliance with VEC **§ 60.2-612(5)** and all applicable administrative laws. I expect **written confirmation** that my records **will be corrected** and that my due process rights **will be upheld**.

Sincerely,

Verification of Submission

I, Thomas Coates, affirm that the statements made in my appeal and supporting documentation are true and accurate to the best of my knowledge. This submission is made in good faith under the applicable laws governing unemployment appeals and administrative due process.

This document serves as my official verification in lieu of a handwritten signature.

Submitted by:

Thomas Coates

Date: March 10th 2025

Time: 553 p.m. Eastern standard Time

Location: Virginia Beach Virginia

This verification is provided in accordance with applicable administrative and legal standards for unemployment appeals.

Thomas Coates

Virginia Employment Commission

First Level Appeals

P.O. Box 26441

Richmond, VA 23261-6441

Fax: (804) 786-8492

Subject: Response to Acknowledgment of Appeal – Claimant ID: 79064022025010655301028

To Whom It May Concern,

I acknowledge receipt of your confirmation regarding my appeal and submit the following response to reinforce the legal basis of my appeal under the guidelines set forth by the Virginia Employment Commission (VEC) and relevant statutes. My appeal remains both procedurally valid and substantively justified for the following reasons:

1. Timeliness of Filing

As stated in your acknowledgment, my appeal was filed within the timeframe required under § 60.2-619 of the Code of Virginia. However, to prevent any procedural misinterpretation or dismissal, I provide additional reasoning:

- **Statutory Compliance:** My appeal submission falls well within the prescribed statutory deadline, ensuring it cannot be dismissed on procedural grounds.
- **Due Process Protections:** Dismissing my appeal on timing grounds would violate my right to due process, as guaranteed under both state and federal law.
- **Equitable Tolling:** Even if there were any question about the timing (which there is not), any delay would be subject to equitable tolling principles, as the delay, if any, was beyond my control.

- **Agency Acknowledgment:** The VEC's own confirmation of receipt within the deadline establishes that no further dispute regarding timeliness can be entertained.

2. Method of Submission

The method of submission via fax to the designated VEC appeals number (804-786-8492) is an accepted and official method under 16VAC5-80-20(A)(1)(c). To reinforce this:

- **Precedent and Policy Compliance:** The VEC has consistently upheld fax submissions as valid; rejecting mine would constitute arbitrary and capricious action.
- **Official Guidance Adherence:** VEC's publicly available guidelines explicitly allow faxed appeals, making any dismissal based on submission method legally indefensible.
- **Receipt Confirmation:** The VEC's own acknowledgment confirms receipt, meaning this matter is already resolved in my favor.
- **Equal Protection Clause:** Any deviation from this standard in my case would constitute unequal treatment under the law, violating state and federal protections.

3. Content of Appeal

My appeal explicitly states the grounds for contesting the determination, satisfying all requirements under 16VAC5-80-20(A)(3). I reinforce this as follows:

- **Sufficient Particularity:** The details I provided outline clear and specific objections, meeting and exceeding statutory requirements.
- **Right to Expand Arguments:** Under administrative law principles, I reserve the right to further supplement my arguments at the hearing stage.
- **Arbitrary Dismissal Prohibited:** If my appeal were to be dismissed for content insufficiency, it would contradict established precedent requiring agencies to interpret pro se filings liberally.
- **Legal Sufficiency:** VEC's own acknowledgment of my submission affirms that my appeal was complete and met content standards.

4. Hearing Preparation & Due Process Considerations

Since the next step is a hearing, I formally assert the following in anticipation:

- **Full Evidentiary Consideration:** I request that all relevant documents, testimony, and procedural safeguards be properly observed.
- **Subpoena Requests:** If necessary, I will request subpoenas for key witnesses and documentation to support my case.
- **Independent Review:** The Appeals Examiner must ensure an impartial, independent review, free from undue influence or bias.
- **Administrative Record Preservation:** I request that all communications, notes, and determinations regarding my case be preserved to prevent procedural unfairness.

Final Confirmation and Next Steps

Given the above, my appeal must proceed without procedural roadblocks or improper dismissal. I request confirmation of the scheduled hearing date and further instructions regarding any additional materials I may submit. Please ensure that all communication regarding this matter is directed to me in writing at the address provided above.

I appreciate your attention to this matter and expect a fair and thorough review of my case in accordance with all applicable laws and regulations.

Sincerely,

Here's a printed verification block you can use without a handwritten signature. This format ensures it remains valid without requiring a physical signature.

Verification of Submission

I, Thomas Coates, affirm that the statements made in my appeal and supporting documentation are true and accurate to the best of my knowledge. This submission is made in good faith under the applicable laws governing unemployment appeals and administrative due process.

This document serves as my official verification in lieu of a handwritten signature.

Submitted by:

Thomas Coates

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Subject: Follow-Up on Unacknowledged Requests for Reasonable Accommodation

To Whom It May Concern,

I am writing to address the lack of acknowledgment regarding my previous requests for reasonable accommodation, submitted on **January 16, 2025**, and **January 20, 2025**. I have verified proof of these submissions. If, for any reason, you maintain that these requests were not received, please consider this letter as an official request for reasonable accommodation.

Legal Framework and Due Process Considerations:

- **Americans with Disabilities Act (ADA):** Under the ADA, public entities are required to provide reasonable accommodations to qualified individuals with disabilities to ensure equal access to programs, services, and

activities.

- **Due Process Rights:** The Fourteenth Amendment guarantees that no person shall be deprived of life, liberty, or property without due process of law. In the context of administrative proceedings, due process requires that individuals have a fair opportunity to participate, which includes the provision of reasonable accommodations for disabilities.

Request for Retroactive Integration of Due Process:

Given that reasonable accommodations should have been an integral part of the appeals process from the outset, I request that the Virginia Employment Commission (VEC) provide official procedures for retroactively integrating due process in cases where accommodations were not initially provided. This includes:

1. **Reviewing Prior Proceedings:** Assessing previous stages of the appeals process to identify any potential disadvantages I may have experienced due to the lack of accommodations.
2. **Corrective Measures:** Implementing necessary corrective actions to ensure that my rights are fully protected, which may involve re-evaluating decisions made without the consideration of reasonable accommodations.
3. **Policy Clarification:** Providing clear guidelines on how the VEC addresses situations where accommodations were not initially provided, to prevent future occurrences and ensure compliance with legal standards.

I trust that the VEC will address this matter promptly and ensure that all necessary accommodations are provided moving forward. Please confirm receipt of this letter and inform me of the steps that will be taken to address my concerns.

Sincerely,

Thomas Coates

[]

tdcoates@gmail.com

Verification of Submission

I, Thomas Coates, affirm that the statements made in my appeal and supporting documentation are true and accurate to the best of my knowledge. This submission is made in good faith under the applicable laws governing unemployment appeals and administrative due process.

This document serves as my official verification in lieu of a handwritten signature.

Submitted by:

Thomas Coates

Date: March 10th 2025

Time: 553 p.m. Eastern standard Time

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