

Presenting evidence in an unemployment hearing could affect you in another legal proceeding involving the same claimant.



**Your participation in unemployment hearings might affect you in other legal proceedings.**

If a claimant for unemployment benefits has filed suit against you, or you think he or she might file suit, there are some issues to consider before participating in an unemployment hearing regarding that claimant.

There is a legal doctrine called “Collateral Estoppel” that provides that, if an issue or a finding of fact has already been considered in one legal proceeding between the same parties, the decisions from the first legal proceeding could be binding in a later one.

**If you present evidence in an unemployment hearing, that might be your only chance to present evidence on that issue or fact.**

If “Collateral Estoppel” applies and you go to an unemployment hearing and present evidence regarding a claimant’s separation, it could be the only time you’re allowed to present evidence on that fact or issue.

If an unemployment hearing officer finds that you did not prove that the claimant did what he was discharged for, or finds that the claimant quit because you changed his position, you might not be able to present

evidence on those facts in another legal proceeding if the claimant files one.

**If you want to save your witnesses for another hearing or legal proceeding, you can consider not appearing at the unemployment hearing.**

“Collateral Estoppel” only applies if both parties in a legal proceeding have presented evidence and received a decision in a previous one.

Unemployment hearings usually happen more quickly than other legal proceedings. The effect on you if a claimant collects unemployment benefits might be less than if a claimant wins in another legal proceeding.

If you don’t appear and present evidence in the unemployment hearing, you haven’t participated in that legal proceeding. That means that you will be able to present evidence in a later one. You would be reserving your right to present evidence in a legal proceeding that could have a larger effect on you.

**“Collateral Estoppel” does not happen in every state.**

Some states allow the application of Collateral Estoppel, some states do not. If you believe that an unemployment claimant might file suit, or you know he or she already has, you should contact your legal counsel or in-house attorneys to find out if appearing and presenting evidence during an unemployment hearing could affect you later on.