Update to Lower and Higher Authority Appeals Deadlines

FOR IMMEDIATE RELEASE:
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[Monday, October 12, 2020, Wilmington, DE] The Delaware Department of Labor has issued the Ninth Emergency Rule, which updates and revises the First and Seventh Emergency Rules, establishing deadlines to file appeals to the Lower Authority (Appeals Referees, the "Referees") and Higher Authority (the Unemployment Insurance Appeals Board, the "Board"). The new Rule establishes November 5, 2020 as the revised deadline to file certain appeals to the Referees or the Board.

On March 16th, 2020, Governor John Carney issued a First Modification of the Declaration of a State of Emergency for the State of Delaware due to a Public Health Threat (the "State of Emergency"), which gave the Secretary of Labor the ability to develop emergency rules to amend the Delaware Unemployment Insurance Code in response to COVID-19. The Secretary of Labor issued the First Rules, which provided an extension of all deadlines to file an appeal to the Referees or the Board until 30 days following the conclusion of the State of Emergency.

When it became clear that the State of Emergency was on-going, the Secretary of Labor issued the Seventh Rules, which were amended by the Ninth Rules. The Ninth Rules set November 5, 2020 as the new deadline for any appeals that would have been due between March 16, 2020 and November 5, 2020, but were extended by the First Rules.

This new deadline means that anyone who was issued an unemployment decision, including a Pandemic Unemployment Assistance decision, that listed a deadline between March 16, 2020 and November 5, 2020 to file an appeal to either the Referee or the Board **must file those appeals by no later than November 5, 2020**. The deadline to file appeals to the Referees or the Board is no longer extended to 30 days following the conclusion of the Governor's State of Emergency. If you already filed an appeal of your decision or decisions issued prior to November 5, 2020, then you do not need to do anything further. If the deadline listed on your decision is later than November 5, 2020, then the appeal deadline listed on your decision controls.

How to file an claims appeal:
You must include your full name, contact information and case number when filing an appeal. There are three ways you may file your appeal to our appeals referees or the appeals board.

1. **To file online:** Appeals may be filed through the online portal at http://ocs.delawareworks.com
2. **To file mail:**
   Please send your written appeal to:

Division of Unemployment Insurance Appeals Unit
PO Box 9950
Wilmington, DE 19809-0951

3. **To file by email:** dol_dui_appeals_request@delaware.gov

For more information regarding the update, or to read the full rule, please visit www.dol.delaware.gov/

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