Facts vs. Conclusions?

It is important to understand the difference between facts and legal conclusions to help make effective arguments in support of a claimant being denied benefits. When protesting a claim or appealing a determination, state the facts rather than a legal conclusion.

What are considered Facts?

Facts are specific known events or things that describe the circumstances surrounding a claimant’s separation. For example: dates, events, statements, conduct, actions, and failures to act.

Example: The claimant received a verbal warning on January 7, a written warning on March 20, and a final warning on April 15 regarding being absent from work. The claimant then missed work on May 7, May 8, May 10, and May 15. Subsequently, the claimant was discharged.

What are Legal Conclusions?

Legal conclusions are typically determinations by the judge or other ruling authority, after analyzing the facts and plugging those facts into a state’s legal requirements for granting or denying unemployment benefits.

Example: The claimant was discharged for misconduct connected with his work after the claimant was absent for reasons that were within the claimant’s control following a final warning.

How could this affect the Outcome of a Hearing?

At a hearing, the judge receives facts presented through witness testimony and documentary evidence. The judge is the trier of fact; his/her responsibility is to determine the credibility of the witnesses, to weigh the evidence, and to determine what evidence is vital to reaching a decision. The judge will render findings of fact. The findings of fact are then used to render the decision by applying the state’s law. If the hearing should go further to the Board of Review, the Board of Review does not re-determine the facts; but rather it determines whether the facts, as found by the judge, legally support the judge’s decision or whether there is an error that occurred in the hearing process.

About Misconduct...

Misconduct is an example of a legal conclusion. If the facts and supporting documentation are not provided to prove the events happened the way the employer says they happened, the state cannot make a legal conclusion that the claimant committed misconduct and should be disqualified from benefits.

The distinction between facts and legal conclusions is very important to understand because simply stating the conclusion that “the claimant was discharged for misconduct” is not effective at any state in the claim or hearing process.

This article was provided by Equifax Workforce Solutions, UST’s trusted claims administrator.