

What You Need to Know About Texas Unemployment Benefits



Information for workers in Texas

This fact sheet is about unemployment benefits when you lose your job. For information on claims you may have against your employer when you lose your job, click [here](#). For information on options when you lose employer-provided health insurance, click [here](#).

What are unemployment benefits?

Unemployment benefits are temporary pay for workers who lose their jobs through no fault of their own. In Texas, you can apply for unemployment benefits with the Texas Workforce Commission (TWC). The TWC can't help you get your job back, but you may be able to receive benefits while you look for a new job.

Who qualifies for unemployment benefits?

Note: During the COVID-19 pandemic, many more people are eligible for unemployment benefits, and some of the usual requirements don't apply. You can find info on rights to unemployment benefits during the pandemic [here](#), and answers to frequently asked questions [here](#).

In order for you to qualify for unemployment benefits, the TWC has to decide that either: 1) you were fired, but **not for misconduct** (intentional bad behavior); or 2) you quit with **"good cause."** In general, it's harder to qualify for unemployment benefits if you quit. If your boss fired you for an unfair reason, you will probably qualify. If you quit for a very good reason, you may qualify. If you lost your job because of sexual assault or a health condition, or for reasons related to the COVID-19 pandemic (for info on pandemic unemployment, [go here](#)), you should qualify.

To qualify for unemployment benefits, you must be authorized to work in the United States, and there are other requirements. For more info on these requirements, [see the TWC website](#).

For more information, see the TWC's [handbook on unemployment benefits](#).

How do I apply?

You can apply for benefits by calling 800-939-6631 or by visiting the [TWC website](#). To apply for unemployment benefits, you will need 1) your last employer's business name and address; 2) first and last dates you worked for your last employer; 3) your hours worked and last pay rate; and 4) your A-number (if you are not a U.S. citizen or national).

The TWC will ask you questions about why you were let go or why you quit your job, so you should be prepared to explain why you were let go or why you quit.

Once you apply for unemployment benefits, the TWC will send you instructions and information on what you have to do in order to receive benefits. Make sure you follow all of the TWC's instructions. If you have questions, you can contact the TWC at 800-939-6631.

What do I do if I'm denied unemployment benefits?

It depends on where you are in the process. For TWC information and online appeals, go [here](#).

- **First Denial:** When you first apply for unemployment, the TWC will send you a letter called a "Determination on Payment of Unemployment Benefits." The letter will say "we can pay you benefits" or "we cannot pay you benefits."
 - ✓ **Appeal:** You must appeal any letter that says "we cannot pay you benefits" within **14 days** after the date on the letter. Follow the instructions on the denial letter and keep proof that you sent your appeal to the TWC. Keep it simple; you should not send a long statement with your appeal.
 - ✓ **Interpreter:** If you need to have your appeal hearing in a language other than English, or if one of your witnesses needs an interpreter, you should say so in the appeal and state which language you or your witness speaks.
 - ✓ **Hearing:** Once you appeal, the TWC will schedule a telephone hearing. See below for information on preparing for a hearing.

- **After a Telephone Hearing:** After a telephone hearing, the TWC Appeal Tribunal will mail a decision to both you and the employer. If you disagree with the decision, you must take action within **14 days** after the date on the decision.
 1. *If you did not attend the hearing and disagree with the decision*, you should follow the instructions to request a new hearing within **14 days**. You will have to show that you had a good reason (like a medical emergency or job interview) to miss the hearing.
 2. *If you attended the hearing but disagree with the decision*, you must follow the instructions on the decision to appeal to the Commission within **14 days**. Explain why the decision was based on incorrect facts or was not supported by the law.

- **Commission Decision:** After you appeal to the Commission, the three TWC Commissioners will review your case and make a decision based on the testimony and other evidence recorded during the telephone hearing. No new hearing will take place. The Commission will then mail you a decision. If you disagree with the decision, you have two more steps you can take:
 1. You can file a **Motion for Rehearing** within **14 days** from the date of the decision. This step is optional. To get a new hearing, you have to show that:
 - 1) You have new evidence about your case that you did not present in your hearing;
 - 2) You have good reasons why you did not present the evidence; and
 - 3) The evidence would change the TWC's decision in your case.
 2. **Appealing to Court:** If you are denied a new hearing and want to appeal further, or if you wish to skip the Motion for Rehearing, you must file a lawsuit and ask a court to overturn the TWC's decision. The first date you can file your lawsuit is **15 days** after the date on the Commission decision. The last date you can file your lawsuit is **28 days** after the date on the Commission decision. In general, it is very difficult to get a court to change the TWC's decision. If you want advice on this step, contact a lawyer.

While you're appealing a denial, you should continue to request benefits from the TWC, so that if you win your case on appeal you can get benefits for those weeks. Make sure that the TWC has your correct phone number and address at all times. If you need help faxing an appeal, your local TWC office can help.

How do I prepare for my telephone hearing?

The unemployment benefits system is designed for people without lawyers. You can appeal your denial without a lawyer and represent yourself in your telephone hearing. See below for some tips on how to prepare for the hearing and what will happen during the hearing. For more information, see [the TWC website](#). If you would like advice on your case, contact a lawyer.

Your hearing packet and hearing date/time:

The TWC will schedule a telephone hearing and send you a packet of documents (a “**hearing packet**”). Your hearing packet will include a **date and time** for the telephone hearing. Take note of the date and time of the hearing and plan to be available from 30 minutes before the hearing start time until at least 2 hours after the start time.

- *If you live in or near El Paso:* The time listed on your hearing packet will be in Central Time, which is one hour ahead of the time zone in and around El Paso. For example, if the hearing is listed as starting at 9 a.m. Central Time, the hearing will start at 8 a.m. El Paso time (Mountain Time).

On your hearing day, you must **register** for your hearing, either online or by phone, by **30 minutes before** your hearing start time. Follow the instructions in your hearing packet. At the time of the hearing, the hearing officer will call you.

It is very important that you register and participate in your hearing. If not, the hearing officer can decide your case based on documents and evidence given by the other side only. If you miss your hearing, you probably will not get to participate in a new hearing. If you have a serious reason why you cannot participate in your hearing, you should contact the hearing officer as soon as possible. The TWC will only delay or reschedule hearings in very limited cases (for example, medical emergencies).

If you need an interpreter or accommodation for your hearing, contact the TWC as soon as possible to request it.

Preparing for your hearing:

- ✓ **Documents – send in two business days before your hearing:** You have the right to present any documents that may help you show your side of the story in the hearing (like positive evaluations, letters, timecards, medical records, photos, text messages, or other documents showing your side of the story).
 - If the documents you want to use are not already in your hearing packet, you must send copies of those documents to your employer AND to the hearing officer listed on your hearing packet so that they receive the documents at least two business days BEFORE the hearing.
 - The hearing officer's address and fax number is on the first page of the hearing packet. Your employer's address will also be on the first page, but you should fax or email the documents to your employer if possible. If you do not have access to a fax machine, you can ask your nearest TWC office to help you send a fax.
 - The employer must also send you any documents it wants to use in the hearing, or it cannot use those documents during the hearing.

Preparing for your hearing (continued):

- ✓ **Witnesses:** You have the right to have witnesses testify during the hearing. The witnesses must be people who have some firsthand knowledge of what happened in your case. During the hearing, give the hearing officer the names and phone numbers of any witnesses you would like to call during the hearing. Witnesses are not required to participate in the entire hearing, but you should ask any witnesses to be available to wait for a call. You can also have witnesses write statements (which you must send in with your documents two days before the hearing), but it is better to have witnesses testify on the phone, because the TWC will give more weight to live testimony.
- ✓ Read your hearing packet carefully. It lists the issues that the TWC will decide in your hearing (for example, whether you were fired for misconduct), contains statements that you and the employer made to the TWC, and gives you information on the law and on hearing procedures. You can use this to plan what you will say in the hearing.
- ✓ It's a good idea to write down all of the points you would like to make before you call in for the hearing, so that you do not forget to mention important facts. Make a list of questions for your witnesses and the employer's witnesses based on these points.
- ✓ In order to make a decision on your case, the Hearing Officer will look at the TWC's past decisions that are similar to your case. Those decisions are collected in a manual called the **Appeals Policy and Precedent Manual**. If you have access to the internet, you can find this manual, including sections on misconduct and other issues, [here](#).
- ✓ The hearing officer must follow certain rules during the hearing. Some of those rules are listed in the **Hearing Officer Handbook**. This handbook also contains some sample questions you may be asked. You can find a copy of the Hearing Officer Handbook [here](#).
- ✓ For more information on the law that applies in Texas unemployment cases, click [here](#).

What happens during the hearing?

- After you have registered/checked in for the hearing, wait for a call back from the Hearing Officer. You should wait for the call in a quiet place. If you are using a cell phone, make sure you are in a place with reception and that you have a charger available. If you do not have a phone you can use for the hearing, you should be able to ask a TWC office near you to provide you with a phone and space for the hearing.
- The Hearing Officer will call you and (if applicable) the employer in a conference call.
- At the beginning of the hearing, the Hearing Officer will explain the hearing procedures and rules. You will have a chance to ask questions if you do not understand something.
- The Hearing Officer will place you and any other witnesses under oath. *Note:* if the employer has more than one witness participating in the hearing, you can ask the Hearing Officer to use "the Rule" during the hearing. This means that witnesses may not be present in the hearing except while they are testifying.
- The Hearing Officer will ask both sides some basic questions (your dates of employment, your job title, how much you made, and whether you quit or were fired). After both sides have answered these questions, the hearing officer will start asking more detailed

questions to you and the employer. If you were fired, the Hearing Officer will probably start by questioning the employer. If you quit, the Hearing Officer will probably start by questioning you.

- After the Hearing Officer asks you questions, you will have a chance to add anything you would like. You will then have a chance to ask questions to your witnesses and to present and ask questions about documents. The other side will also be allowed to ask you and your witnesses questions.
- After the Hearing Officer questions the employer's witnesses, you will have a chance to ask them questions. You can ask questions that you think will show that a witness for the employer is not telling the truth or is prejudiced against you.
- The Hearing Officer will finish the hearing by giving you a chance to add anything you think is important.

If you have access to the internet, you can get more information about how the hearing will go, including a sample hearing, [on the TWC website](#).

What are some tips to keep in mind for the hearing?

Remember, unemployment hearings are designed for people without attorneys representing themselves. Here are some tips:

- ✓ Prepare a list of points you want to make during the hearing, so that you do not forget what you want to say. Make a list of questions for witnesses based on these points.
- ✓ When you are asked questions during the hearing:
 - Tell the truth.
 - Be as comfortable and relaxed as you can. This will help your case.
 - Listen to each question you are asked. If you do not understand a question, you can ask the other person to repeat or explain the question.
 - Do not assume or guess. If you do not know the answer to a question, you can say “I don't know” or “I don't remember (right now).”
 - Speak clearly and firmly, and loudly enough to be heard by everyone.
 - During the hearing, try not to have personal discussions and do not argue with the other side. Be respectful of the Hearing Officer and the other side. This will help your case.

What if I lose my unemployment appeal and I owe an overpayment?

If the TWC reaches a final decision against you and decides it should not have paid you benefits, you will owe an “overpayment” to the TWC. You can usually set up a payment plan with the TWC to pay back an overpayment. The TWC will sometimes recover the overpayment from any benefits that you are entitled to receive in the future. The TWC can also take the money out of a federal tax refund owed to you. If you need advice on this issue, talk to an attorney.

Note: this information is not legal advice. For free, confidential advice and information, contact Texas RioGrande Legal Aid at 888-988-9996.