

August 26, 20126

Dan Ruben  
Executive Director  
Equal Justice America  
Building II, Suite 204, 13540 East Boundary Road  
Midlothian, VA 23112

Dear Mr. Ruben,

I have been unemployed and I understand how crippling it can be. During my internship at the Unemployment Insurance Clinic, I came across many people who were going through hardships not only because they had lost their livelihoods, but also because the Agency many a times wrongly accused the claimants of fraud and pressed a penalty four times the amount that had been initially paid to the claimants.

At the Clinic, we called these cases “Robo Fraud.” The Unemployment Insurance Agency in the years through 2013-15, decided to rely on a software, which matched the answers that the claimants provided with the ones provided by the employer, and in case of a mismatch, the presumption was that the claimants had “intentionally misrepresented.” The penalty for intentional misrepresentation was four times the amount that the Agency considered had been over paid.

There were clients, who did not even receive the notice from the Agency, and hence were not able to appeal the agency’s “redeterminations,” because they had moved to a different address, or as in one case, because their house had burned down, and yet the Agency would presume guilt and start garnishing the tax return and wages of the claimants when they subsequently found employment.

The claimants are mostly unsophisticated in the matter of documentations, and one of the things they have to face is the Agency’s demanding requirements of documentation. Many of the times the claimants do not understand the earnings they have to report to the Agency. The Agency pays the benefits initially but subsequently issues notices of fraud, and starts garnishments. The claimants who are in difficult times financially are put in an even worse position than before.

One of the claimants the Clinic worked was facing fraud charges, and the restitution that the Agency demanded was \$60,000. The Claimant was extremely distressed and was referred to us by an Administrative Law Judge (ALJ). Under the guidance of the supervisor, I represented the claimant in a hearing before an ALJ, and got not only the fraud charges removed but also the overpayment restitution amount. There was no proof provided by the Agency, which had the burden to show that the claimant had misreported his wages at the time he was claiming the benefits. It was heartening to see the relief on the Claimant’s face after winning the case.

Yours Sincerely,

Adeel Wahid (University of Michigan Law School)