

## WRIT OF MANDATE FOR UNEMPLOYMENT BENEFITS

# Appealing CUIA Denial of Unemployment Benefits to the Superior Court

*This Guide includes instructions and sample forms. This Guide and related forms may be downloaded from:*

[www.saclaw.org/ui-mandate](http://www.saclaw.org/ui-mandate)

### BACKGROUND

If you have been denied unemployment benefits, and have exhausted all of your administrative appeals, you may petition the court to review the denial of benefits by seeking a writ of mandate, also called writ of administrative mandamus, pursuant to [California Code of Civil Procedure \(CCP\) § 1094.5](#). This step is the final appeal, and may not be started until all administrative remedies have been exhausted. Before petitioning the court for a writ of mandate in your unemployment insurance benefit case, you must have completed all of the following administrative steps:

- Filed for unemployment insurance benefits with the Employment Development Department (EDD)
- Been denied benefits by EDD
- Appealed the EDD's decision within the limits stated on the denial letter (20 days)
- Attended a hearing before an administrative law judge (ALJ) to appeal the decision, and had the appeal denied by the ALJ
- Appealed the denial by the ALJ to the California Unemployment Insurance Appeals Board (Board) within the time limit specified on the decision (20 days)
- Had your final appeal denied by the Board.

**You have only six months to file your Petition for Writ of Administrative Mandate from the date notice of denial of the final appeal is mailed by the California Unemployment Insurance Appeals Board.**

### Need info on appealing within the EDD?

If you need information about appealing your EDD denial before the ALJ or CUIAB, the following information may be helpful:

*Do-It-Yourself Guide to Unemployment Insurance Benefits*  
Legal Aid Society Employment Law Center  
[las-elc.org/sites/default/files/self-help/Unemployment\\_Benefits.pdf](http://las-elc.org/sites/default/files/self-help/Unemployment_Benefits.pdf)

California Unemployment Insurance Appeals Board (CUIAB)  
"Filing an Appeal"

Links to forms, instructions, and a video on appealing within the EDD.

[www.cuiab.ca.gov/Workers/fileAppeal.asp](http://www.cuiab.ca.gov/Workers/fileAppeal.asp)

Disclaimer: This Guide is intended as general information only. Your case may have factors requiring different procedures or forms. The information and instructions are provided for use in the Sacramento County Superior Court. Please keep in mind that each court may have different requirements. If you need further assistance consult a lawyer.

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The likelihood of success when petitioning the court for a writ of mandate is very small. The process is designed to allow the court to review the prior hearings for a clear error that will prejudice the petitioner if a writ is not issued. In doing so, the court must, under most circumstances, rely only on the evidence that was previously presented at hearing, so petitioning for a writ of mandate is akin to an appeal, rather than a new hearing.

In your writ, you may challenge the ALJ's application of law or procedure to the case, attacking any procedural irregularities, or mistakes made by the ALJ in applying the law to the case. The court looks at these decisions of law "*de novo*," meaning that the court will make its own decision whether the correct laws were applied, whether they were applied correctly to the facts of the case, and whether procedure was followed.

It is also possible to challenge the factual findings of the ALJ, but this is much less likely to be successful, as the Superior Court gives substantial deference to the trial court, in this case the ALJ, as to the factual findings, since the ALJ was there to hear the evidence presented, while the reviewing judge was not. For this reason, when challenging factual findings, the court will determine only whether an ALJ could have reasonably come to the factual conclusion that was decided based on the evidence that was presented.

## STEP-BY-STEP INSTRUCTIONS

### Step 1: Review the Decisions

Carefully review all decisions previously issued in your case. Since you are seeking to overturn these decisions, you will want to read them carefully to understand the reasons stated for the denial. You should ideally research the law as it relates to each basis stated for the denial, so that you may make an informed decision whether or not to seek a writ of mandate.

### Step 2: Complete the Pleadings

There is no standard Judicial Council form for the Petition for Writ of Mandate. Instead, the relevant documents must be typed on 28-line pleading paper. Customizable templates may be downloaded from these links:

- [Petition for Writ of Mandate](#)
- [Notice of Hearing for Writ of Mandate](#)

Sample templates with instructions are available at the end of this Guide.

### Facts or Law?

The judge hearing your writ of mandate request was not at the prior hearings, and did not see the evidence that was presented. It is therefore presumed that the judge that did see the evidence is better informed when deciding the facts of the case. For this reason, the judge reviewing the writ will accept the findings of fact by the administrative judges unless findings are not supported by substantial evidence in the light of the whole record. This is called deference.

Mistakes of law (e.g. applying the wrong statute or misinterpreting the law), are reviewed *de novo*, meaning that the judge does not start with a presumption that the former judge's interpretation of the law is correct and looks at the issue anew.

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In addition, one Judicial Council form is required for all new cases, including this *Petition*:

- [Civil Case Cover Sheet \(CM-010\)](#)

Although this guide is printed double-sided to save paper, you must print your documents single-sided; the court will not accept double-sided documents.

At the end of this Guide is a sample *Petition for Writ of Mandate* and a sample *Notice of Hearing for Writ of Mandate*. Use these as models to draft your own versions.

**Exhibits:** You will need to attach a copy of each prior decision in your case to the *Petition*. Attach the EDD's written Notice of Determination as Exhibit A, the ALJ's written decision as Exhibit B, and the CUIAB's decision affirming or reversing the ALJ as Exhibit C. Photocopy each decision and write its exhibit letter on the bottom of the first page. If an exhibit is longer than one page, number each page A-1, A-2, A-3, and so forth.

### Step 3: Make Copies

Make two additional copies of each:

- *Civil Case Cover Sheet* (CM-010)
- *Petition for Writ of Mandate*
- *Notice of Hearing for Writ of Mandate*

In the Sacramento County Superior Court, because documents are scanned into a computer, any multiple page original documents are left unstapled, while each copy is stapled.

Use exhibit tabs in *one* of the copies (you can purchase the tabs at the Circulation Desk in the Law Library). Staple each of the copies, but leave the original unstapled so it can easily be scanned into the court's file system.

**Important:** Sacramento County Superior Court requires each of the *Exhibits* in one of your sets of copies be separated by a rigid sheet of card stock with a tab identifying the letter of the exhibit on the bottom. Exhibits for the original and other copies should be separated by a blank piece of pleading paper with their exhibit letter or number (for instance, "Exhibit A") typed or written on the bottom of the page.

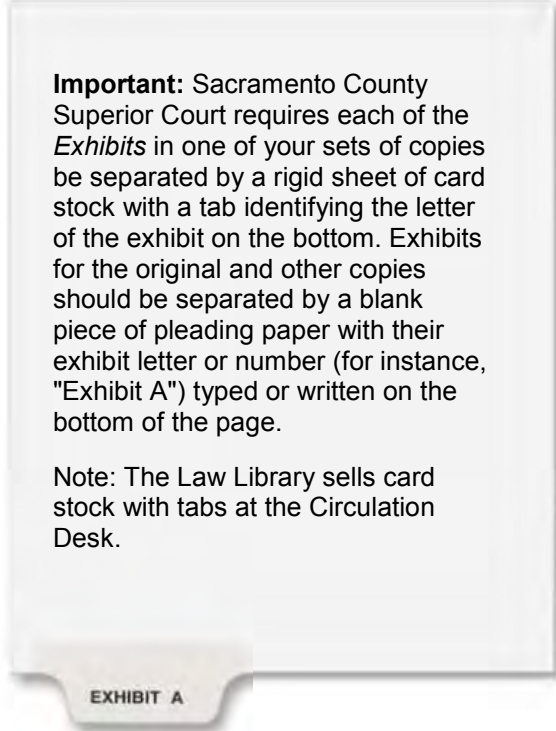
Note: The Law Library sells card stock with tabs at the Circulation Desk.

### Step 4: File Your Documents

File your documents at the [Gordon D. Schaber Courthouse](#) at 720 Ninth Street in downtown Sacramento. File the original and two copies of each document:

- *Civil Case Cover Sheet* (CM-010) (only the first page is required in Sacramento), plus two copies;
- *Petition for Writ of Mandate*, original unstapled, plus two stapled copies.

As of the date of this Guide there is a \$435 filing fee to file a *Petition for Writ of Mandate*, unless your fees are waived. Current fees are available on the Sacramento County Superior Court's website ([www.saccourt.ca.gov/fees/docs/fee-schedule.pdf](http://www.saccourt.ca.gov/fees/docs/fee-schedule.pdf)). If you qualify for a fee waiver, you may file a



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request with the court. For more information, see the Step-by-Step Guide on Fee Waivers on our website at [www.saclaw.org/pages/fee-waiver.aspx](http://www.saclaw.org/pages/fee-waiver.aspx).

At the time you file, the clerk will issue a case number and department for your *Petition*. The court will keep the original of each document, but will return the copies to you. In addition, the clerk will give you a number of informational documents, including a "[Guide to the Procedures for Prosecuting Petitions for Prerogative Writs](#)."

### Step 5: Have Your Documents Served

You must arrange to have someone over the age of eighteen who is **not you**, or any other party in your case, serve your papers. You must serve both the California Unemployment Insurance Appeals Board and the employer ("real party in interest" in the case), or the employer's attorney, if represented, by personal service with:

- *Civil Case Cover Sheet*
- *Petition for Writ of Mandate*
- "Notice of Case Assignment" (provided at time of filing by the court);
- "Guide to Procedures for Prosecuting Petitions for Prerogative Writs" (provided at time of filing by the court).

The person who is serving your documents must complete a proof of service form. The [Proof of Personal Service](#) (POS-020) form is typically used to prove that he or she delivered the documents. For more information about Proofs of Personal Service, see the Guide on our website at [www.saclaw.org/pages/personal-service.aspx](http://www.saclaw.org/pages/personal-service.aspx).

Once the other parties have been served, file the original and two copies of the completed and signed *Proof of Personal Service* form(s) with the court. The court cannot issue any orders in the case until all responding parties have been timely served.

### Step 6: Request and Lodge the Administrative Record with the Court

Request in writing to the California Unemployment Insurance Appeals Board that a copy of the administrative record be sent to the Superior Court, and request a copy for yourself as well. The petitioner (you) bear the cost of this duplication. The administrative record will contain all of the documents and orders filed in your Unemployment Insurance appeal. If your proceedings were officially recorded or had a court reporter, you will also wish to request that a transcript of the hearing be created and lodged with the court if your argument depends in any way on what was said during your hearing. The administrative record must be lodged with the court (the department assigned when you filed your petition) at least 25 days prior to your hearing.

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### Step 7: Serving and Filing Briefs (May be done at same time as Step 8)

Since the burden is on the petitioner (you) to establish the legal grounds upon which you base your writ of mandate, you must serve and file an opening brief. The opposition would then serve and file an opposing brief. In response, you may then file a reply brief.

Although the opening brief may be filed concurrently with setting the date for the hearing on the Writ, you must be careful to leave enough time prior to the hearing for the following deadlines to be met:

- The opening brief must be served and filed at least 45 days before the hearing;
- The opposition brief must be filed at least 25 days before the hearing; and
- A reply brief (responding to the opposition) may be filed at least 15 days before the hearing.

Because the legal issues in each brief are unique to a particular case, it is not feasible to include a sample brief with this Guide. Pursuant to Sacramento Superior Court [Local Rule 2.26\(D\)](#), the opening and opposition briefs are limited to 30 pages, while the reply brief is limited to 20 pages. The purpose of your brief is to make your legal argument in favor of granting your request. As such, an opening brief should include an introduction, a summary of the procedural history of the case, and a legal argument in favor of your request for each of the mistakes you allege that the trial court made.

### Step 8: Setting and Noticing the Hearing

In Sacramento, to obtain a hearing date for your writ:

- Contact the assigned writ department to reserve an available date and time. Typically writs are heard on Fridays. Prior to reserving the date, you should contact all opposing counsel (or self-represented parties) to determine a list of dates you would each find acceptable. Be sure that the date allows you to comply with the briefing schedule set forth in Step 7.
- Prepare the *Notice of Hearing for Writ of Mandate*, a sample of which may be downloaded from the link in Step 2;
- Have each of the counsel for the other parties (or self-represented parties) served with the *Notice of Hearing*. Any party that has filed any documents with the Superior Court in the case may be served by mail, any parties who have not filed any documents (“appeared”) in this case must be personally served.
- File the *Notice of Hearing* and Proof(s) of Service with the court.

Each writ department’s procedure for setting hearing dates is described online at [www.saccourt.ca.gov/civil/writ-departments.aspx](http://www.saccourt.ca.gov/civil/writ-departments.aspx).

For more information about Proof of Service by Mail, see the Guide on our website at [www.saclaw.org/mail-service](http://www.saclaw.org/mail-service).

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### Step 9: Check Tentative Rulings

Pursuant to Sacramento Superior Court [Local Rule 1.06](#), the court will make a tentative ruling on the merits of your writ by 2:00 p.m. the court day before the hearing. You may read the tentative ruling online, or you may call the clerk for the department assigned to your writ to have them read it to you. For more information, see the Sacramento County Superior Court's website at [www.saccourt.ca.gov/civil/writ-departments.aspx](http://www.saccourt.ca.gov/civil/writ-departments.aspx).

Review the tentative ruling very carefully. If you are not happy with the tentative ruling, and wish to present arguments in front of the judge, you must call all opposing counsel (or self-represented parties), as well as the clerk for the department assigned to your writ, no later than 4:00 p.m. the court day before your hearing and state that you are requesting oral argument.

If neither you nor the opposing counsel or self-represented party requests oral argument, the court will simply make the tentative ruling the order of the court, and no oral argument will be permitted.

### Step 10: Attend the Hearing

Assuming that both the administrative record and the opening brief have been lodged with the court in a timely manner, the court will consider the merits of your request at the hearing. The judge has a great deal of discretion as to how he or she wishes to conduct the hearing. The burden is on you, the petitioner, to convince the court to grant your petition, so typically the petitioner will be permitted to present first. Keep in mind that the judge has likely read the briefs of all parties, so it is important to listen carefully to any guidance the judge might provide as to whether he or she wants the entire matter argued, or only wishes oral argument on specific points.

### Step 11: Prepare Your Judgment and Writ

If you win your petition, you will be directed to create a formal judgment granting your writ, as well as the writ of of mandate itself. The judgment should mirror the language that the court used in the minute order, while the writ should mirror the relevant language in the judgment. When creating signature lines, please note that the judgment is signed by the judge, while the writ is signed by a deputy clerk.

Samples of the format for each are available in *California Administrative Mandamus*, at sections 15.39 and 15.41, respectively.

## FOR MORE INFORMATION

### *On the Web:*

*Guide to the Procedures for Prosecuting Petitions for Prerogative Writs*

<https://www.saccourt.ca.gov/civil/docs/writ-procedural-guide.pdf>

A summary of the writ procedures used in the Sacramento County Superior Court created by the court.

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**At the Law Library:**

**Fight Your Ticket & Win in California** [KFC 477.B76](#) (Self Help)

**Electronic Access:** From any computer (Law Library or home) via the Legal Information Reference Center. Instructions are available on our website at [www.saclaw.org/nolo-ebooks](http://www.saclaw.org/nolo-ebooks). Chapter 16 of this book contains a simple opening brief. Although the facts and argument in this sample pertain to appealing a traffic ticket, the sample is useful to understand the format and parts of an opening brief.

**California Administrative Mandamus** [KFC 782 .C34](#)

**Electronic Access:** On the Law Library's computers, using *OnLAW*.

**Handling Administrative Mandamus: Here's How and When to Do It** [KFC 782 .A23](#)

**Electronic Access:** On the Law Library's computers, using *OnLAW*.

*IF YOU HAVE QUESTIONS ABOUT THIS GUIDE, OR IF YOU NEED HELP FINDING OR USING THE MATERIALS LISTED, DON'T HESITATE TO ASK A REFERENCE LIBRARIAN.*

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## ATTACHMENTS: FORMS AND INSTRUCTIONS

There is no standard Judicial Council form for the Petition for Writ of Mandate. Instead, the relevant documents must be typed on 28-line pleading paper.

Customizable templates may be downloaded from these links:

- Petition for Writ of Mandate  
[www.saclaw.org/sbs-writ-of-mandate-for-unemployment-petition.rtf](http://www.saclaw.org/sbs-writ-of-mandate-for-unemployment-petition.rtf)
- Notice of Hearing for Writ of Mandate  
[www.saclaw.org/sbs-writ-of-mandate-for-unemployment-notice-of-hearing.rtf](http://www.saclaw.org/sbs-writ-of-mandate-for-unemployment-notice-of-hearing.rtf)

In addition, one Judicial Council form is required for all new cases, including this *Petition*:

- [Civil Case Cover Sheet \(CM-010\)](#)

Samples with instructions are available at the end of this Guide.

### Instructions: (H3)

#### **a. Petition for Writ of Mandate**

- (1) Download the Petition template and Civil Case Cover sheet from the links above and complete them per the instructions at the end of this Guide.
- (2) Attach a copy of each prior decision in your case to the Petition.
- (3) Sign the petition and attached Verification.
- (4) File and serve the Petition and Civil Case Cover sheet.

*b. Request and lodge the administrative record.*

*c. Make an appointment for a hearing date with the court department assigned to your case.*

*d. Research and write your brief. Serve it at least 45 days prior to your hearing date.*

#### **e. Notice of Hearing**

Download the Notice of Hearing template from the link above and customize it per the instructions at the end of this Guide.

File and serve the Notice of Hearing at least 45 days prior to the hearing date.

*Continue on with Step 9.*



Download this template from

<http://www.saclaw.org/sbs-writ-of-mandate-for-unemployment-petition.rtf>

1 [Petitioner's (your) name]

2 [Petitioner's mailing address- Street and number]

3 [Petitioner's mailing address, City, State, ZIP]

4 [Petitioner's telephone number]

Petitioner, In Pro Per

**IMPORTANT: RED** boxes and arrows are instructions, and are not part of your completed document. Erase before printing. Text that appears in **BLUE** is text you will change to fit your case. Change to black before printing.

8 SUPERIOR COURT OF CALIFORNIA  
9 COUNTY OF SACRAMENTO

10  
11 [PETITIONER'S (your) NAME],

12 Petitioner,

13 vs.

14 Unemployment Insurance Appeals Board,

15 Respondent,

16  
17 [NAME OF EMPLOYER],

18 Real Party in Interest

Case No.

PETITION FOR WRIT OF MANDATE  
(CCP § 1094.5)

The case number is assigned when you file your case with the court.

19  
20 Petitioner alleges:

21  
22 1. Respondent Unemployment Insurance Appeals Board (hereinafter, the APPEALS  
23 BOARD) and its employees constitute the Appeals Division of the Employment  
24 Development Department.

25  
26 2. Real Party in Interest, [NAME OF EMPLOYER] (hereinafter EMPLOYER) is, and at  
27 all times herein mentioned was, [STATE CAPACITY OF BUSINESS, e.g., a corporation  
28

1 organized and existing under the laws of California, with its principal place of business  
2 located in [COUNTY OF EMPLOYER] County, California].

3  
4 3. Petitioner was employed by EMPLOYER at [ADDRESS OF EMPLOYMENT],  
5 California, and worked [FULL or PART-TIME] as a [TITLE OF POSITION] from [START  
6 DATE] to [END DATE] and was paid wages while so employed sufficient to qualify  
7 him/her for unemployment compensation benefits.

8  
9 4. On [END DATE], petitioner's employment ended with EMPLOYER when [HOW  
10 EMPLOYMENT ENDED, e.g. EMPLOYER terminated petitioner's employment].

11  
12 5. Thereafter, petitioner duly filed a claim for unemployment compensation benefits.

13  
14 6. The claim was [GRANTED or DENIED] by an examiner of the California Employment  
15 Development Department on [DATE OF DENIAL OR GRANT], [IF DENIED STATE THE  
16 REASON GIVEN FOR DENIAL], and, on [DATE OF NOTICE], petitioner received a  
17 written notice of this determination. A copy of the determination is attached hereto as  
18 Exhibit A and made a part hereof.

19  
20 7. Pursuant to the provisions of Section 1328 of the Unemployment Insurance Code,  
21 [PETITIONER or EMPLOYER] duly filed an appeal with an administrative law judge  
22 who, by a written decision dated [DATE OF DECISION], [AFFIRMED or REVERSED]  
23 the examiner's determination. A copy of the decision is attached hereto as Exhibit B and  
24 made a part hereof.

The explanation of the errors is critical as the court can only consider the matters before it. Use multiple paragraphs if needed.

25  
26 8. In [AFFIRMING or REVERSING] the examiner's determination and ruling, the  
27 administrative law judge abused his/her discretion and acted in excess of jurisdiction by  
28 [SPECIFY THE ERROR OF THE JUDGE, i.e., "concluding that petitioner was  
discharged for misconduct in connection with his/her work. The conclusion is contrary to

1 the weight of the evidence in that the petitioner committed no misconduct in connection  
2 with his/her work.”].

3  
4 9. As authorized by Section 1336 of the Unemployment Insurance Code, [PETITIONER  
5 or EMPLOYER] thereafter duly filed an appeal with the appeals board, which on [DATE  
6 OF DECISION] [AFFIRMED or REVERSED] the administrative law judge’s decision and  
7 notified petitioner accordingly. A copy of the decision is attached hereto as Exhibit C  
8 and made a part hereof.

The explanation of the errors is critical as the court can only consider the matters before it. Use multiple paragraphs if needed.

9  
10 10. In [AFFIRMING or REVERSING] the decision of the administrative law judge, the  
11 appeals board abused its discretion and acted in excess of its jurisdiction by [SPECIFY  
12 MISTAKE].

13  
14 11. Petitioner has exhausted his/her administrative remedies in that, under the  
15 provisions of Section 410 of the Unemployment Insurance Code, the decision of the  
16 appeals board is final, except for such action as may be taken by a judicial tribunal as  
17 permitted or required by law.

18  
19 12. Petitioner has no plain, speedy, and adequate remedy in the ordinary course of law  
20 to compel the appeals board to reverse its decision and to grant petitioner’s claim for  
21 unemployment compensation benefits, and no remedy at all unless this petition is  
22 granted.

23  
24 WHEREFORE, petitioner prays as follows:

25  
26 1. That this court issue an alternative writ of mandate ordering respondent  
27 Unemployment Insurance Appeals Board  
28

1 (a) To set aside its decision [specify, e.g., affirming the decision of the  
2 administrative law judge affirming the determination of the Director of  
3 Employment Development] that the claimant [SPECIFIC FINDING, e.g.  
4 “voluntarily left his/her work without good cause or was discharged for  
5 misconduct in connection with his/her work”], and is ineligible for unemployment  
6 compensation benefits, and to grant such benefits, or

7  
8 (b) In the alternative, to show cause before this court at a time and place to be  
9 fixed by the court why it has not done so and directing it to file with this court the  
10 record of all proceedings in this matter before the respondent and the  
11 administrative law judge;

12  
13 2. That, after hearing on the order to show cause, this court issue a peremptory  
14 writ of mandate to the same effect as the alternative writ except for the order to  
15 show cause;

16  
17 3. For costs of suit herein incurred; and

18  
19 4. For such other and further relief as the court may deem proper.  
20

21 Date: [DATE]

22 Sign and date.

23 By: \_\_\_\_\_  
24 [YOUR NAME]  
25 Petitioner, In Pro Per  
26  
27  
28

1 **VERIFICATION**

2

3 I, **[YOUR NAME]**, am the petitioner in the above-entitled proceeding. I have read the

4 foregoing petition and know the contents thereof. The same is true of my own

5 knowledge, except as to those matters which are therein alleged on information and

6 belief, and as to those matters, I believe it to be true.

7

8 I declare under penalty of perjury under the laws of the State of California that the

9 foregoing is true and correct.

10

11 Date: **[DATE]**

12 **Sign and date.**

13 By: \_\_\_\_\_

14 **[YOUR NAME]**

15 Petitioner, In Pro Per

16 **The petition for a writ of mandate must be verified. The verification is a statement**

17 **made by a person with knowledge of the events of the case, declaring under**

18 **penalty of perjury that the facts alleged in the petition are true.**

19

20

21

22

23

24

25

26

27

28

EDD OFFICE NAME  
P.O. BOX  
CITY CA ZIP CODE



NOTICE OF DETERMINATION/RULING

**Attach a copy of the Written Notice of Determination as Exhibit A.**

CLAIMANT'S NAME  
CLAIMANT'S ADDRESS  
CITY CA ZIP CODE

00  
00 / 00 / 00  
ERS:  
ENGLISH 1-800-800-5818  
SPANISH 1-800-326-8937  
CANTONESE 1-800-547-3506  
MANDARIN 1-866-303-0706  
VIETNAMESE 1-800-547-2058  
TTY 1-800-815-9397

SSA NUMBER 000-00-0000

YOU ARE NOT ELIGIBLE TO RECEIVE BENEFITS UNDER CALIFORNIA UNEMPLOYMENT INSURANCE CODE SECTION 1256 BEGINNING 00 / 00 / 00 AND CONTINUING UNTIL YOU RETURN TO WORK AFTER THE DISQUALIFYING ACT AND EARN \$0.00 OR MORE IN BONA FIDE EMPLOYMENT, AND YOU CONTACT THE ABOVE OFFICE TO REOPEN YOUR CLAIM.

YOU QUIT YOUR LAST JOB WITH (EMPLOYER NAME). YOU HAVE NOT SHOWN THAT THE QUIT WAS NECESSARY OR THAT YOU HAD EXPLORED ALL REASONABLE OPTIONS BEFORE QUITTING. AFTER CONSIDERING AVAILABLE INFORMATION, THE DEPARTMENT FINDS THAT YOU DO NOT MEET THE LEGAL REQUIREMENTS FOR PAYMENT OF BENEFITS. SECTION 1256 PROVIDES - AN INDIVIDUAL IS DISQUALIFIED IF THE DEPARTMENT FINDS HE VOLUNTARILY QUIT HIS MOST RECENT WORK WITHOUT GOOD CAUSE OR WAS DISCHARGED FOR MISCONDUCT FROM HIS MOST RECENT WORK. SECTION 1280A PROVIDES - AN INDIVIDUAL DISQUALIFIED UNDER SECTION 1256 IS DISQUALIFIED UNTIL HE/SHE, SUBSEQUENT TO THE DISQUALIFYING ACT, PERFORMS SERVICES IN BONA FIDE EMPLOYMENT FOR WHICH HE/SHE RECEIVES REMUNERATION EQUAL TO OR IN EXCESS OF FIVE TIMES HIS OR HER WEEKLY BENEFIT AMOUNT.

APPEAL:

YOU HAVE THE RIGHT TO FILE AN APPEAL IF YOU DO NOT AGREE WITH ALL OR PART OF THIS DECISION.

TO APPEAL, YOU MUST DO ALL OF THE

- A. COMPLETE THE ENCLOSED APPEAL FORM. YOU WANT TO APPEAL THIS DECISION. REASON WHY YOU DO NOT AGREE WITH THIS DECISION. SOCIAL SECURITY NUMBER ON ENCLOSED FORM (TITLE 22, CALIFORNIA CODE OF REGULATIONS)
- B. MAIL THE DE 1000M OR YOUR LETTER WITH THIS FIRST PAGE OF THIS DECISION.
- C. FILE YOUR APPEAL WITHIN THIRTY DAYS AFTER THE DATE LISTED ON THE FIRST PAGE OF THIS NOTICE.

FOR MORE INFORMATION, SEE THE HANDBOOK, "A GUIDE TO BENEFITS: INFORMATION ABOUT APPEALS." IF YOU DO NOT HAVE A COPY, IT IS LISTED ON THE FIRST PAGE OF THIS NOTICE.

DE1080CZ Rev. 2 (3-15) (INTERNET)

**Important:** Sacramento County Superior Court requires each of the Exhibits in one of your sets of copies be separated by a rigid sheet of card stock with a tab identifying the letter of the exhibit on the bottom. Exhibits for the original and other copies should be separated by a blank piece of pleading paper with their exhibit letter or number (for instance, "Exhibit A") typed or written on the bottom of the page.

Note: The Law Library sells card stock with tabs at the Circulation Desk.

CU

EXHIBIT A



CALIFORNIA UNEMPLOYMENT INSURANCE APPEALS BOARD

SACRAMENTO OFFICE OF APPEALS  
2400 Venture Oaks Way, Ste 100  
SACRAMENTO CA 95833

(916) 263-6706

Claimant-Appellant

Case No. :

Issue(s) 1252/79

**Attach a copy of the written decision by ALJ as Exhibit B.**

EDD

BYB

Date and Place of Hearing(s):  
(1) Sacramento

Parties Appearing:  
Claimant

SAMPLE

DECISION

The decision in the above-captioned case appears on the following page(s)

The decision is final unless appealed within 20 calendar days from the date of mailing shown below. See the attached "Notice to Parties" for further information on how to file an appeal. If you are entitled to benefits and have a question regarding the payment of benefits, call EDD at 1-800-300-5616.

Administrative Law Judge

Date Mailed:



CALIFORNIA UNEMPLOYMENT INSURANCE APPEALS BOARD  
P O Box 944275  
SACRAMENTO CA 94244-2750

Case No.: AO-

Claimant-Appellant

CA Decision No.

Attach a copy of the CUIAB decision as Exhibit C.

Employer

## DECISION

Attached is the Appeals Board decision in the above-captioned case issued by Board Panel members:

CINDY MONTANEZ  
JENNIFER FORDSON  
FRED AGUIAR, Dissenting

**SAMPLE**

This is the final decision by the Appeals Board. The Appeals Board has no authority to reconsider this decision. If you disagree with the decision, please refer to the information attachment which outlines your rights.

26  
27  
28



Download this template from

<http://www.saclaw.org/sbs-writ-of-mandate-for-unemployment-notice-of-hearing.rtf>

1 [Petitioner's (your) name]  
2 [Petitioner's mailing address- Street and number]  
3 Petitioner's mailing address, City, State, ZIP ]  
4 [Petitioner's telephone number]  
Petitioner, In Pro Per

**IMPORTANT:** RED boxes and arrows are instructions, and are not part of your completed document. Erase before printing. Text that appears in BLUE is text you will change to fit your case. Change to black before printing.

8 SUPERIOR COURT OF CALIFORNIA  
9 COUNTY OF SACRAMENTO

11 [PETITIONER'S (your) NAME], ) Case No.: [CASE NUMBER]  
12 Petitioner, )  
13 vs. ) NOTICE OF HEARING FOR WRIT OF  
14 Unemployment Insurance Appeals Board, ) MANDATE (CCP § 1094.5)  
15 Respondent, )  
16 Date: [DATE OF HEARING]  
17 [NAME OF EMPLOYER], ) Time: [TIME OF HEARING]  
18 Real Party in Interest ) Department: [DEPARTMENT]  
19 Date Petition Filed: [PETITION DATE]

20 PLEASE TAKE NOTICE that on the above-captioned date, time, or as soon thereafter  
21 as the matter may be heard, in the above-captioned department of the above-named  
22 Court, located at 720 Ninth Street, Sacramento, California, petitioner [PETITIONER'S  
23 (your) NAME] will move this Court for a writ of mandate, under Code of Civil Procedure  
24 §1094.5 commanding respondent Unemployment Insurance Appeals Board to set aside  
25 its decision of [DATE OF DECISION OF FINAL APPEAL], in the administrative  
26 proceedings titled [SHORT TITLE OF CASE AS IT APPEARED ON ALL APPEALS].  
27  
28

1 This motion is made on the grounds that [SPECIFY GROUNDS LISTED IN THE  
2 PETITION].

3  
4 This motion is based on this notice, the verified petition, the administrative record  
5 previously lodged with this Court, the briefs filed with the court, the declarations and  
6 exhibits, and any and all other evidence that may be presented at the hearing on this  
7 motion.

8  
9 "Pursuant to Local Rule 1.06, the Court will make a tentative ruling on the merits of this  
10 matter by 2:00 p.m., the court day before the hearing. To receive the tentative ruling,  
11 you can access the Court's website at [www.saccourt.ca.gov](http://www.saccourt.ca.gov) or arrange to obtain the  
12 tentative ruling from the clerk of Department [DEPARTMENT NUMBER]. If you do not  
13 call the Court and the opposing party by 4:00 p.m. the court day before the hearing, no  
14 hearing will be held."

15  
16 Date: [DATE]

17 Sign and date.

18 By: \_\_\_\_\_

19 [YOUR NAME]

20 Petitioner, In Pro Per