

Unemployment Tip of the Month



The Burden of Proof

Burden of Proof, typically, falls on the party who initiated the separation. This means in the case of a voluntary quit, the **claimant** has the burden of proving they had a compelling and necessary reason to quit. Claimants can voluntarily resign for a variety of reasons, including but not limited to, a new job opportunity, Good Cause, or in certain circumstances, job abandonment may be considered as a “quit” by the state.

In the event of a discharge, the **employer** typically has the Burden of Proof, and must show the state the employee demonstrated a willful and wanton disregard of a policy or expectation of the company.

Let’s take a look at what each party will typically want to provide when submitting unemployment claims to the state:

Claimant Will Want to Prove

1. A necessary reason to quit, whether personal- or work-related.
2. Every reasonable attempt was made to preserve the employer/employee relationship.
3. They had no other alternative, but to quit.

Employer Will Want to Prove

1. A reasonable company policy exists.
2. The claimant was made aware of the policy.
3. The claimant did not meet the expectations as an employee.
4. Show the claimant demonstrated misconduct by disregarding policies or expectations.

As a reminder, proper documentation is typically your **best** defense in order to help put forth the strongest case possible when responding to the state on an unemployment claim.

More Training Available!

Check out additional training resources on our site, [Connections](#), such as our [On Demand video](#) on helping win claims by following strong documentation practices or our document on [Documentation Best Practices](#). Be sure to check them out!

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