

FILED  
SUPREME COURT  
STATE OF WASHINGTON  
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No. 98633-9

SUPREME COURT OF THE STATE OF WASHINGTON

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UNEMPLOYMENT LAW PROJECT, et al.

Petitioners,

v.

SUZAN LEVINE, COMMISSIONER FOR THE WASHINGTON STATE EMPLOYMENT  
SECURITY DEPARTMENT,

Respondent.

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DECLARATION OF DAVID SVOBODA

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THE SHERIDAN LAW FIRM, P.S.

John P. Sheridan, WSBA #21473  
Mark W. Rose, WSBA #41916  
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Hoge Building, Suite 1200  
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Seattle, WA 98104  
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Attorneys for Petitioners

I, David Svoboda, declare that the following statement is true and correct:

1. My name is David Svoboda.
2. I am over the age of eighteen (18) and competent to make this declaration.
3. I am a resident of Tumwater in Thurston County, WA.
4. I worked at Alaska Air Group for 8 and a half months as a flight attendant. I also worked as an independent contractor for Wyndham for one year as an outdoor event marketer.
5. I became unemployed with Wyndham in February, and my hours steadily declined with Alaska Air Group until I became unemployed on May 2<sup>nd</sup>, 2020.
6. I applied for unemployment benefits for the week beginning on April 26<sup>th</sup>, 2020.
7. The Employment Security Department (ESD) told me on May 2<sup>nd</sup>, 2020 that I was ineligible for UI benefits because I did not have enough hours. I received a Monetary Determination on May 3<sup>rd</sup>, 2020 entitling me to PUA benefits.

8. The Employment Security Department (ESD) told me on May 4<sup>th</sup>, 2020 that my weekly check is being withheld because they believed I could continue working as a flight attendant even though I submitted a letter from my employer stating that I was unable to work due to COVID-19 reductions. The Employment Security Department (ESD) told me that my weekly check was being withheld on May 15<sup>th</sup>, 2020 because I needed to verify my identity.

9. I have taken the following actions to address this issue with ESD: I have made many attempts to contact them on the phone, but have not been able to get through. I sent copies of my paystubs, my after-action schedules, and my tax returns in the mail. These documents showed that I worked over 1,000 paid hours—only with Alaska Air Group—from October of 2019 through March of 2020. I also sent in my social security card, my driver's license, my passport, my TSA security clearance, my concealed carry permit for Washington State, and my airline badge information in the online portal. I resumed calling ESD where I got conflicting information from many different ESD representatives.

10. I have been significantly and adversely affected in the following ways due to my not receiving my unemployment benefits: I cannot pay rent, and I lost my apartment as a result. Friends and family are the only reason I am not homeless. I cannot pay for my car, pay for my car


insurance, or update my registration. The only reason this has not resulted in the loss of my car is because Toyota and my car insurance were willing to delay and significantly reduce my payments. I cannot afford food either. I have debt I need to pay for, in relation for schooling and training as a flight attendant.

11. On a scale of 1-10 my level of stress is an 8 or 9 because of my inability to afford life. I am losing everything, and my communications with ESD have been confusing, unhelpful, degrading, disrespectful, etc, and that is only when I could get ahold of a representative of ESD.

12. On June 18<sup>th</sup>, 2020, I received a Monetary Decision restarting the payment of my PUA claims. However, they were not based off of my current income, but rather my income from a past tax filing. These payments reflect only a portion of what my benefits would be if they were based off of my current income or my hours.

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct to the best of my knowledge.

DATED this 18th day of June, 2020 in Seattle, Washington.

/s/   
NAME OF WITNESS

**CERTIFICATE OF SERVICE**

I, Tony Dondero, certify under penalty of perjury under the laws of the State of Washington and the United States that, on June 23, 2020, I served the document to which this Certificate is attached to the party listed below in the manner shown.

ROBERT FERGUSON  
Attorney General

Eric D. Peterson, WSBA #35555  
Senior Assistant Attorney General

Leah E. Harris, WSBA #40815  
Assistant Attorney General

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[LalSeaEf@atg.wa.gov](mailto:LalSeaEf@atg.wa.gov)

- By United States Mail
- By Legal Messenger
- By Facsimile
- By Overnight Fed Ex Delivery
- By Electronic Mail

Dated this 23rd day of June 2020.

*s/Tony Dondero* \_\_\_\_\_  
Tony Dondero,  
Legal Assistant

**THE SHERIDAN LAW FIRM, P.S.**

**June 23, 2020 - 2:24 PM**

**Transmittal Information**

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**Appellate Court Case Number:** 98633-9  
**Appellate Court Case Title:** Unemployment Law Project et al. v. Suzan Levine

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