

FILED
SUPREME COURT
STATE OF WASHINGTON
6/5/2020 4:33 PM
BY SUSAN L. CARLSON
CLERK

No.

SUPREME COURT OF THE STATE OF WASHINGTON

UNEMPLOYMENT LAW PROJECT, et al.,

Petitioners,

v.

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

Respondent.

DECLARATION OF JOHN TIRPAK

THE SHERIDAN LAW FIRM, P.S.

John P. Sheridan, WSBA #21473
Mark W. Rose, WSBA #41916
Andra Kranzler, WSBA # 44098
Justin O. Abbasi, WSBA # 53582
Hoge Building, Suite 1200
705 Second Avenue
Seattle, WA 98104
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Attorneys for Petitioners

I, John Tirpak, make the following statement based on personal knowledge.

1. I am the Executive Director of the Unemployment Law Project. I started my employment at the Unemployment Law Project in 2002 as a staff attorney. I became the Executive Director in 2014. I am also an attorney licensed to practice in Washington since June 1998.

2. The Unemployment Law Project is a non-profit law office funded by the Legal Foundation of Washington, labor unions, and other private donations and donors since 1984. Our organization advises and represents Washington State workers who, after losing their jobs, are denied unemployment benefits in hearings and appeals.

3. The Unemployment Law Project has offices in both Seattle and Spokane. Claimants who are advised and represented come from all regions of the state. Appeal hearings are scheduled on telephone conference calls.

4. In January 2017 the Employment Security Department launched a new website that changed access to the unemployment benefit system. In person and paper applications are no longer allowed. All applicants were required to file for benefits online or call the toll free number.

5. Since March 2020 some claimants we assist have been able

to file online and receive benefits. Others have been stuck in line and have been notified that their claims are pending. Some have been waiting for up to ten weeks.

6. Our claimants have been unable to reach anyone with the Employment Security Department's 800 number since it is always busy. Some have called hundreds of times. Others can get through and then the system hangs up on them.

7. Since the announcement of the new anti-fraud measures against claimants in May 14, 2020, the Unemployment Law Project has received hundreds of calls every week from claimants who have qualified and were receiving benefits, but now are having their unemployment benefits suspended due to the fraud investigation. I am aware that our claimants are being told to send copies of birth certificates, Social Security cards, and passports via unsecured email. I believe these requests by the Employment Security Department put the claimants' identities at risk.

8. The Employment Security Department also announced that benefit payments would be delayed two days due to the fraud investigation. The delays have extended far beyond those time periods. This promise has not been kept.

9. The Unemployment Law Project has been receiving calls from hundreds of claimants who, after providing their identity information

have told us they have been waiting for over two weeks.

10. Some of our claimants whose benefits have been delayed due to this fraud investigation had already been waiting up to ten weeks for their claim to be processed.

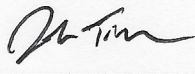
11. Under normal circumstances, a person claiming unemployment benefits would have their claim processed in about two weeks. If the claimant is denied benefits, a written notice with the reason for the denial is sent to the claimant with hearing rights included. If the claimant files a hearing request, the hearing date is scheduled in about two weeks. These due process rights are not being protected at this time.

12. Claimants are receiving fraud notices and other notices from the Employment Security Department without appeal rights attached.

13. People all over Washington State are suffering severe hardship due to delays and denials by the Employment Security Department.

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 ^{4th} day of June, 2020 in Seattle, Washington.


/s/ _____
John Tirpak, WSBA # 28105

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 5, 2020, I served the document to which this Certificate is attached to the party listed below in the manner shown.

ROBERT FERGUSON

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

Dated this 5th day of June 2020.

s/ Tony Dondero
Tony Dondero,
Legal Assistant

THE SHERIDAN LAW FIRM, P.S.

June 05, 2020 - 4:33 PM

Filing Original Action Against State Officer

Transmittal Information

Filed with Court: Supreme Court

Appellate Court Case Number: Case Initiation

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