

FILED
SUPREME COURT
STATE OF WASHINGTON
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No. 98633-9

SUPREME COURT OF THE STATE OF WASHINGTON

UNEMPLOYMENT LAW PROJECT, et al.

Petitioners,

v.

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

Respondent.

DECLARATION OF SHANYECE WAKE

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
(206) 381-5949
Attorneys for Petitioners

I, SHANYECE WAKE declare that the following statement is true and correct:

1. My name is SHANYECE WAKE
2. I am over the age of eighteen (18) and competent to make this declaration.
3. I am a resident of Sumas in Whatcom County, WA.
4. I worked at Tiger Construction for almost a year as a Flagger.
5. I became unemployed in March of 2020 when the stay-at-home order occurred.
6. I applied for unemployment benefits on last year, and then reopened my claim in January when work slowed down for the winter.
7. I was approved for regular UI in January. I don't have the exact date because I've been having trouble logging on to my SAW account. For some reason I can log in but I can't access my account through the unemployment hyperlink.
8. Back in March before the CARES Act came along, I was denied because I wasn't available for work because of my surgery and was told that I was overpaid. I appealed this decision.
9. I had a hearing in April, and the judge told me that I was not available to work.
10. When the Pandemic benefits started, then at that time, the website was loading weird, and was fuzzy, so I clicked that I had received

retirement pay on accident. They sent me a message through the ESD eservices saying that I had to respond immediately about the retirement pay. I went back through the claim and, sure enough, I had checked retirement pay. I responded back immediately with the correct information.

11. My employer also sent in documents saying that I had not received retirement pay.

12. They sent me a notification saying that I hadn't sent in the information within time, although it was almost immediate.

13. The Employment Security Department (ESD) told me on May 15th, 2020, that I had been approved, but didn't give me my backpay, but was only approved for one week and only received payment for the week of April 15th, 2020. As of today, I had not received a single payment other than that. I am filing every week.

14. I have taken the following actions to address this issue with ESD: I've been calling multiple times a day, up to 150 times in a day. I finally reached someone at ESD at the end of May, then got to Tier 1, then Tier 2, and actually made it all the way up to Tier 3 (multiple times now), and they couldn't do anything for me. I've sent messages numerous times through my SAW account but have not received response until this last Friday. But, ironically, I cannot get into my page. I called the Help Desk about getting onto my page, but after three voice recordings, I was told that they could not take my call because of the high volume of calls. I called Unemployment Law Project as well.

15. I have been significantly and adversely affected in the following ways due to my not receiving my unemployment benefits: I am coming up on being overdue on my truck payment. I have debt and my cell phone bill, rent, that I can't pay. I'm trying to work with my landlord on rent, but my savings is running really low and I don't know if I can make next month's rent. I have to go on food stamps. I feel lucky that I have had savings, but it is running very low.

16. On a scale of 1-10 my level of fear and stress is 100 because of the stress and irritation. Words cannot even describe how stressed and irritated I am. I haven't been paid for March. ESD's system so messed up, and I haven't received my retroactive payments. It's affecting me because I'm wondering how I am going to make ends meet next week or next month, since I'm getting low on money. I generally like to stay on top of it, but right now I'm not. Personally, I think that it was unfair and unjust. It's not our fault that the state was defrauded and the citizens of Washington State have to suffer.

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 16th day of June, 2020 in Seattle, Washington.

SHANYECE WAKE
SHANYECE WAKE

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

Office of the Attorney General
800 5th Avenue, Suite 2000
Seattle, WA 98104
EricD.Peterson@atg.wa.gov
Leah.Harris@atg.wa.gov
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 - 2:25 PM

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