

From Sen. Buttrely SB127

EXHIBIT 1
DATE 3/20/13
SB 127



2P1074877



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Montana Department of
LABOR & INDUSTRY
Unemployment Insurance Division

PO BOX 8020 HELENA MT 59604-8020
(406) 444-2545
FAX (406) 444-2699
Montana Relay: 711

NOTICE OF DETERMINATION

02/07/2013

[REDACTED]

RECEIVED

Claimant Name: [REDACTED]

FEB 08 2013

[REDACTED]

HUMAN RESOURCES

Claim Effective Date: 10/14/2012

You are eligible to receive benefits beginning 10/14/2012, unless you are disqualified or ineligible for another reason.

You were discharged for allegedly sexting the father of a child on your caseload in violation of policy #200. The circumstances involved the parent sending you a photo of his genitals and one of your co-workers responding with a photo of her breasts, pretending to be you. This occurred while on a girl's weekend at [REDACTED]. While this behavior is highly inappropriate and unprofessional, your employer's policy does not specifically address this type of behavior. There is no mention in the policy about the interactions with the children or families involved in the program. Therefore, an intentional disregard of your obligation to your employer has not been established and it has not been shown your discharge was for misconduct under Sections 39-51-201(19) and 39-51-2303, Montana Code Annotated and Section 24.11.461, Administrative Rules of Montana.

If there are other issues on your claim that might affect your eligibility for benefits, you will receive a separate Notice of Determination for each issue either allowing or denying benefits.

CLAIMANT AND EMPLOYER REDETERMINATION RIGHTS

This decision is final unless a request for redetermination is filed on or before 02/19/2013. If you disagree with this decision, you have the right to request a redetermination. If you do so, a separate review of the file, and any new information submitted, will be conducted and a redetermination issued. Claimants may file a redetermination request using method 1, 2, 3 or 4 below. Employers may file a request using method 2, 3 or 4.

1. Go to UI4U.mt.gov and select Request Redetermination or Appeal on the Main Menu, or
2. Send a letter, requesting redetermination, to the address at the top of this letter. Explain why you think the decision is wrong. You may also submit any other information you think is relevant to the claim, or
3. Fax your request to the fax number at the top of this letter, or
4. Call your Claims Processing Center at the number on the top of this letter.

YOU MAY CHOOSE WHICHEVER METHOD YOU WANT, BUT YOU MUST MAKE YOUR REQUEST BY THE DATE INDICATED IN THIS DETERMINATION. If you do not file your request by the date indicated, you must provide good cause to extend the time limit.



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