



LEGAL AID SOCIETY
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July 21, 2026

Via email to oar.info@tn.gov; via facsimile to (615) 741-0290

Tennessee Office of Administrative Review
P.O. Box 280870
Nashville, TN 37228-0870

**Re: Appeals Tribunal Dockets: [REDACTED]
Claimant [REDACTED]; Claimant ID: [REDACTED]; SSN Ending: [REDACTED]
HEARING REQUESTED**

Dear Tennessee Office of Administrative Review:

I represented [REDACTED] at an Appeals Tribunal hearing on July 7, 2026. [REDACTED] received determinations from the Appeals Tribunal dated July 8, 2026, which denied jurisdiction of the matter because they assert that [REDACTED] did not have good cause to file a late appeal of her overpayment assessments. [REDACTED], through counsel, timely files this appeal to the Office of Administrative Review and argues as follows:

1. She had good cause to file a late appeal per Tenn. Code Ann. § 50-7-304(c)(2); and,
2. The overpayment was wrongly assessed. [REDACTED] was eligible for benefits.

Good Cause for Late Appeal

The statutory factors for requesting an untimely appeal weigh in favor of [REDACTED]'s appeal being granted. Tenn. Code Ann. § 50-7-304(c)(2) allows the time limit for filing appeals to the Appeals Tribunal to be extended for good cause. To determine whether good cause exists, the appeals tribunal "shall consider the length of the delay, the reason for the delay, and the prejudice or lack of prejudice to the parties."

[REDACTED]'s first notice of the assessed overpayment came when she received notice from her employer that her wages were being garnished. The garnishment did not include any documentation of appeal rights. [REDACTED] received no notice of her appeal rights until she received a copy of the Agency Decisions at a hearing regarding the garnishment. [REDACTED] filed her appeals eight days after she received those notices in court.

Without knowledge of the alleged overpayment, any timely appeal was impossible. [REDACTED] quickly appealed after receiving the Agency Decisions.

[REDACTED] testified at her hearing that she moved and never received any documents from the Department of Labor alleging any overpayments. She testified that she lost access to her former email address as well as the Jobs4TN portal. Because the alleged overpayment was not assessed

until years after [REDACTED] received unemployment benefits, she had no reason to check the portal or update the Department of Labor on her contact information.

Therefore, the delay in [REDACTED]'s appeal was not because of her lack of interest, unwillingness to act, or other inaction. Instead, the delay in [REDACTED]'s appeal was because she was never notified of the overpayment. Further, the witness for the Department of Labor did not testify that allowing [REDACTED] to be heard on a late appeal would be prejudicial to the Department.

Although the delay of appeal was significant, [REDACTED] immediately acted upon learning of her appeal rights. [REDACTED] did not timely appeal because she was not provided timely notice of her rights. The Department of Labor and Workforce Development will not be prejudiced if this matter is allowed to proceed; [REDACTED] would be significantly prejudiced if the appeal is not allowed to proceed. Because [REDACTED] meets the statutory criteria for good cause for filing a late appeal, she should be allowed to proceed with a late appeal.

Overpayment Wrongly Assessed

The overpayment assessed against [REDACTED] is based on inconsistent statements and unclear policies and procedures. The documentation provided by the Department of Labor shows different amounts of overpayments in different statements. A hearing is required on this matter to determine how the department reviewed [REDACTED]'s account.

When she received benefits from the Department of Labor, [REDACTED] was determined by the Department of Labor and Workforce Development to be eligible for those benefits. She is now being assessed an overpayment due to no fault of her own.

Hearing Requested

[REDACTED] is requesting a hearing so she has an opportunity to provide additional proof regarding the date that she moved from the address used by the Department of Labor to provide notices.

For the reasons listed above, [REDACTED] appeals the denial of her late appeal and the overpayment she was assessed. If you have any questions, please contact me at (865) 413-1992 or thughes@las.org.

Sincerely,



Trina Hughes
Attorney

TH/kt

cc: [REDACTED]