

Mr. Dan Ruben  
Equal Justice America  
Exit Report

Dear Mr. Ruben:

For my summer internship I worked at the Unemployment Action Center, a student-run non-profit organization that represents clients seeking unemployment-insurance benefits. My colleagues and I were each tasked with representing clients throughout the hearing process in front of the administrative-law judge, in what could be described as one of the best training regimes for future litigators. As an employee of the Unemployment Action Center I was tasked with conducting the initial intake with the client, developing the legal theory upon which to argue, researching past Unemployment Insurance Appeal Board decisions and Third-Department appeals of the Unemployment Insurance Appeal Board decisions, drafting direct and cross-examination questions, preparing the witness, and formulating a closing statement to deliver at the end of the hearing. In sum, my time at the Unemployment Action Center not only taught me how to comport myself in a court-like setting but also instilled in me skills that will surely be useful for the rest of my career.

One of the most difficult cases I worked on involved a claimant who the employer alleged stole from the store at which he worked. My client's defense was that he did not actually steal, he purchased the items by making use of bonus card points that he accrued. The Department of Labor refused my client benefits on the basis that the store had the right to terminate an employee forthwith for theft without the need of a warning. Appeals Board case law establishes that for a claimant to be disqualified for benefits due to termination for misconduct the claimant must have been given a warning specifically tailored to the infraction he or she was fired for. Thus, by characterizing the claimant's actions as theft, the employer was able to elude the established criteria of warning its employee. Through evidence and testimonial evidence, I laid out my legal theory that my client was entitled to his benefits, because he was not warned, neither written nor verbal, that use of the bonus points were regarded as theft in the

eyes of his employer. Thus, I was not only faced with a credibility issue that stemmed from the scarlet letter invoked by the employer's use of "theft," I also was faced with arguing that such actions were such that required a warning before my client could be deemed disqualified from unemployment benefits.

From that case, and many others, I was able to experience the palpable discrepancy between the knowledge employers had versus employees. Due to the nature of the unemployment insurance system, employers grow progressively knowledgeable about the word and deeds that can prevent an employee from receiving benefits the more employees they have had. That fact highlights the need for volunteers to represent claimants, many of whom thoroughly need those benefits to make ends meet. Such a fact also warrants the praising of the New York legislature which contemplated and combatted the knowledge discrepancy by empowering lawyers, law students, and others who have been trained at least sixteen hours in representing claimants in §460.50. The forethought by the drafters of the Unemployment Insurance Law granted me the opportunity to balance the scales, and I remain grateful that I could help the people I did through my time at the Unemployment Action Center thanks to the generosity of Equal Justice America.

Sincerely,

Cyril Heron  
Cornell Law School



Dan Ruben  
Executive Director  
Equal Justice America  
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My name is Michael Diller and I am the Regional President of the Unemployment Action Center (UAC). I supervised Cyril Heron this Summer when he interned with us as an EJA fellow.

UAC represents unemployment insurance claimants in appeal hearings at the Department of Labor. The hearings are adversarial proceedings held before administrative law judges. Advocates perform direct and cross examination, and deliver short closing statements. They also handle cases from intake through the hearing itself, interviewing clients and conducting legal research to build a theory of the case. UAC advocates help secure a stable income for our clients, and also vindicate the rights of workers who may have been mistreated by their employer

As a summer intern with UAC, Cyril, performed all the of above duties. Over the course of his placement, Cyril argued nine hearings, winning nearly all of them. In each case, Cyril prepared diligently for the hearing and treated his client with professionalism and respect. Cyril ably deployed his legal skills in service of our clients, handling some complex cases. For example, one case he successfully argued involved resolving two sets of claims from two of his client's previous employers. Cyril was also an active participant in our internship programming, including meetings with long time unemployment insurance practitioners.

It was a pleasure to have Cyril intern with us this summer, and we appreciate Equal Justice America's support. I can be reached at [uacny.intake@gmail.com](mailto:uacny.intake@gmail.com) or at 347-633-2351, and would be happy to answer any other questions.

Best,

Michael Diller  
Regional President  
Unemployment Action Center  
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