

FILING A PETITION FOR JUDICIAL REVIEW IN AN UNEMPLOYMENT CASE

WHERE TO FILE: The law requires that you file the petition in the superior court of the **county in which you were last employed**. If the employer's main office is in another city and you worked at a local office, file your petition in the county where you last worked.

WHEN TO FILE: The decision of the Board of Review of the Georgia Department of Labor has the deadline listed after the words "Judicial Review rights expire: ." Your petition for judicial review must be **filed** in the superior court clerk's office by the date given. No faxes are accepted. The law does not allow for filing later than this deadline except where your judicial review rights expire on a weekend or state holiday. Then you must file the next business day. The case is filed in the Superior Court Clerk's office.

INSTRUCTIONS FOR COMPLETING THE PETITION: There are two respondents in the case, the Commissioner of the Department of Labor, and your employer. The court will assign the civil action number when you file the petition. Fill in all other blanks on the petition, circling one when options are given. If you did not file a motion for reconsideration with the Board of Review, cross through that line in paragraph 9. You are not required to file a motion for reconsideration before proceeding to court. The decision of the Board of Review is a final agency decision that may be appealed. At the end, be sure to include your mailing address and phone number so that the court can notify you of hearings or rulings by the court.

As the petition states, no filing fee may be charged in this case. In other types of appeals, the courts may charge a filing fee. You will need to tell the clerk that O.C.G.A. § 34-8-251 says that no agency or court may charge a fee in connection with a claim for unemployment benefits. If the clerk will not help you and says that you have to file a "pauper's affidavit" or pay a filing fee, ask the clerk to call the Department of Labor legal department at (404) 232-3310 and ask to speak to one of the attorneys there.

HOW TO FILE: Georgia is a mandatory eFile State (O.C.G.A. § 15-6-11). You must file your documents electronically at <https://efilega.tylertech.cloud/>. You can obtain filing instructions from the Bibb Superior Court Clerk's Office or online at .

SERVING THE PETITION ON THE RESPONDENTS No service on the employer is required because the law provides that the Commissioner will serve the employer. You are responsible for serving the Department of Labor. You can either arrange for service of two copies to the Commissioner of the Department of Labor or you can send two copies of the petition to the Department of Labor's legal department, along with the Acknowledgment of Service form included in this packet. You should also include a self-addressed envelope so that the legal department can send the Acknowledgment of Service back to you. Send your filed-stamped copies to the legal department at:

Elizabeth de Janes, General Counsel,
Jeffrey Babcock, Senior Deputy General Counsel
148 Andrew Young International Blvd., NE, 6th Floor, Atlanta, 30303-1751.

After you receive the Acknowledgment of Service from the DOL legal department, electronically file it into your case. The Acknowledgment shows the court that the Respondents have been served.

AFTER YOU FILE: The Commissioner is required to file a copy of the entire administrative record in your case with the court within thirty (30) days from the date of service upon the Commissioner. The Commissioner will send a copy of the record to you at the mailing address given on your petition. After the record is filed, it will be up to you to get the case heard. It is best if you have legal counsel to prepare a legal argument, or brief, on your behalf. If that is not possible, you should try to write a legal argument for the court's consideration. The court has to base its decision on the record from the agency below and on the arguments presented to the court. Generally, the court is not allowed to make new factual findings or consider new evidence. The court should decide whether the agency committed legal errors in its decision.

IN THE SUPERIOR COURT OF BIBB COUNTY

STATE OF GEORGIA

Petitioner (your name)

Civil Action# _____

V.

Bárbara Rivera Holmes, Commissioner
of Georgia Department of Labor and

(Name of Employer)

Respondents

PETITION FOR JUDICIAL REVIEW

Comes now _____, petitioner in the above-styled case and respectfully
shows the court the following:

1.

This action is brought by petitioner pursuant to O.C.G.A. ' 34-8-223, and concerns the
denial of unemployment compensation benefits to petitioner. Petitioner shows the court that no
filing fee or other charges may be charged by the court or any officer thereof in connection with
this proceeding, pursuant to O.C.G.A. ' 34-8-251.

2.

Petitioner is a resident of _____ County, and was last employed by
_____ in _____ County, Georgia.

3.

Respondent Bárbara Rivera Holmes is the Commissioner of the Department of Labor, an agency of the State of Georgia.

4.

Respondent Employer _____ is located in _____ County, Georgia.

5.

Petitioner was employed by _____ from _____ to _____, when s/he became separated from that employment. S/He then filed a claim for unemployment compensation benefits.

6.

A claims examiner at the Georgia Department of Labor determined that petitioner was/was not (circle one) eligible to receive unemployment benefits.

7.

Petitioner/Employer (circle one) appealed the claims examiner's decision and requested a hearing before an administrative hearing officer.

8.

The hearing was held on _____, and the claimant was unrepresented by counsel. A decision was later issued by the hearing officer, affirming/reversing (circle one) the claims examiner's decision.

9.

The claimant appealed, this time to the Board of Review of the Georgia Department of Labor. The Board issued a decision affirming the hearing officer's decision on

_____,20___. Claimant then filed a Motion for Reconsideration before the Board, which also resulted in an affirmance.

10.

The decision of the Board of Review is the final decision of the Department of Labor. Petitioner now files this timely Petition for Judicial Review.

11.

The decision appealed from is invalid in that:

- (a) It is not supported by evidence; and
- (b) It is contrary to statutory, constitutional, and other law.

WHEREFORE, Petitioner prays:

- (a) That service of both Respondents be made to the Commissioner of Labor pursuant to O.C.G.A. ' 34-8-223;
- (b) That the court set up a briefing schedule and put this case on a motion calendar for oral arguments;
- (c) That this court review and reverse the decision of the Board of Review, or remand it to the agency as it deems appropriate; and
- (d) That this Court grants such other and further relief as it deems equitable and just.

Respectfully submitted,

Petitioner

Petitioner's address:

Petitioner's phone number:

STATE OF GEORGIA
COUNTY OF BIBB

VERIFICATION

Personally, appeared before the undersigned officer authorized by law to administer oaths, the deponent herein, who, on oath, deposes and says that the facts contained in the foregoing document are true and correct.

Plaintiff

Sworn to and subscribed before me

this ____ day of _____, 20____

Notary Public

SUPERIOR COURT OF BIBB COUNTY
PARTIES INFORMATION SHEET
TO BE FILED WITH COMPLAINT/PETITION

Plaintiff's Contact Information:

Plaintiff's Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Daytime Phone Number: _____

Cell Phone Number: _____

Email Address: _____

Defendant's Contact Information:

Defendant's Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Daytime Phone Number: _____

Cell Phone Number: _____

Email Address: _____

General Civil and Domestic Relations Case Filing Information Form

☐ Superior or ☐ State Court of _____ County

For Clerk Use Only

Date Filed _____
MM-DD-YYYY

Case Number _____

Plaintiff(s)

Last First Middle I. Suffix Prefix

Last First Middle I. Suffix Prefix

Last First Middle I. Suffix Prefix

Last First Middle I. Suffix Prefix

Defendant(s)

Last First Middle I. Suffix Prefix

Last First Middle I. Suffix Prefix

Last First Middle I. Suffix Prefix

Last First Middle I. Suffix Prefix

Plaintiff's Attorney _____ State Bar Number _____ Self-Represented ☐

Check one case type and one sub-type in the same box (if a sub-type applies):

General Civil Cases

- ☐ Automobile Tort
- ☐ Civil Appeal
- ☐ Contempt/Modification/Other Post-Judgment
- ☐ Contract
- ☐ Garnishment
- ☐ General Tort
- ☐ Habeas Corpus
- ☐ Injunction/Mandamus/Other Writ
- ☐ Landlord/Tenant
- ☐ Medical Malpractice Tort
- ☐ Product Liability Tort
- ☐ Real Property
- ☐ Restraining Petition
- ☐ Other General Civil

Domestic Relations Cases

- ☐ Adoption
- ☐ Contempt
 - ☐ Non-payment of child support, medical support, or alimony
- ☐ Dissolution/Divorce/Separate Maintenance/Alimony
- ☐ Family Violence Petition
- ☐ Modification
 - ☐ Custody/Parenting Time/Visitation
- ☐ Paternity/Legitimation
- ☐ Support – IV-D
- ☐ Support – Private (non-IV-D)
- ☐ Other Domestic Relations

- ☐ Check if the action is related to another action pending or previously pending in this court involving some or all of the same: parties, subject matter, or factual issues. If so, provide a case number for each.

_____ Case Number

_____ Case Number

- ☐ I hereby certify that the documents in this filing, including attachments and exhibits, satisfy the requirements for redaction of personal or confidential information in OCGA § 9-11-7.1.

- ☐ Is a foreign language or sign-language interpreter needed in this case? If so, provide the language(s) required.

_____ Language(s) Required

- ☐ Do you or your client need any disability accommodations? If so, please describe the accommodation request.

IN THE SUPERIOR COURT OF BIBB COUNTY
STATE OF GEORGIA

Petitioner (your name)

Civil Action#_____

V.

Bárbara Rivera Holmes, Commissioner
of Georgia Department of Labor and

(Name of Employer)

Respondents

Acknowledgment of Service

Respondent Bárbara Rivera Holmes, Commissioner of Georgia Department of Labor, hereby acknowledges service of two copies of the Petition for Judicial Review in the above-styled case and, as provided in O.C.G.A. § 34-8-223(b), notifies the court that such service on the Commissioner “shall be deemed completed service on all parties.” As required by that section, the Commissioner has mailed a copy of the petition to the Respondent employer in this case, _____. No further service of process is required upon the Respondents in this case.

This the _____ day of _____, 20_____.

Bárbara Rivera Holmes or designee

Sworn to and subscribed to before me
this _____ day of _____, 20_____.

Notary Public, State of Georgia

IN THE SUPERIOR COURT OF BIBB COUNTY
STATE OF GEORGIA

Petitioner (your name)

Civil Action#_____

V.

Bárbara Rivera Holmes, Commissioner
of Georgia Department of Labor and

(Employer)

Respondents

CERTIFICATE OF SERVICE

This is to certify that I have this day served a copy of the foregoing document(s) upon
_____ by United States Mail, in a properly
addressed envelope with adequate postage affixed thereon to insure delivery.

This _____ day of _____, 20____.

Plaintiff

ATTACHMENTS

☐

Parenting Plan

☐

Child Support Order Addendum

☐

Case Disposition Form & 3907 Form

☐

Other

General Civil and Domestic Relations Case Disposition Information Form

☐ Superior or ☐ State Court of _____ County

For Clerk Use Only

Date Disposed _____
MM-DD-YYYY

Case Number _____

Case Style _____

Plaintiff(s)

Last	First	Middle I.	Suffix	Prefix
____	____	____	____	____
____	____	____	____	____
____	____	____	____	____
____	____	____	____	____

Defendant(s)

Last	First	Middle I.	Suffix	Prefix
____	____	____	____	____
____	____	____	____	____
____	____	____	____	____
____	____	____	____	____

Reporting Party _____

Plaintiff's Attorney _____ State Bar Number _____ Self-Represented ☐

Defendant's Attorney _____ State Bar Number _____ Self-Represented ☐

Manner of Disposition Check Only One

- ☐ Jury Trial
- ☐ Bench/Non-Jury Trial
- ☐ Non-Trial Disposition, such as:
- ☐ Alternative Dispute Resolution

- ☐ Check if any party was self-represented at any point during the life of the case.
- ☐ Check if the court ordered an interpreter for any party, witness, or other involved individual.
- ☐ Check if the case was referred/ordered to a court-annexed alternative dispute resolution process.

eFile Registration & Quick Tips Guide

EMAIL: _____

MAILING ADDRESS: _____

CITY/STATE/ZIP: _____

PHONE #: _____

TEMPORARY PASSWORD SETUP: Abcd1234

1. Account Registration & Setup Steps:

Register Your Account: Go to <https://efilega.tylertech.cloud> to create your profile.

Activate Account: Click the verification link sent to your email immediately to activate it.

Add Safe Sender: Add no-reply@efilingmail.tylertech.cloud to your email contacts to prevent notifications from going to spam. All case updates will come to your email.

Case Tracking & Portal: To view your case details anytime, log into <https://researchga.tylerhost.net> using your eFileGA email and password.

2. Preparing & Filing Your Case:

Document Preparation: Separate, scan, and save each of your documents to your computer as individual PDF files before uploading.

Submit Your Case: Visit efilega.tylertech.cloud to upload your documents and formally submit your case filing.

Need Assistance? For step-by-step Technical Help, visit the official support center at odysseyfileandservecloud.zendesk.com/hc/en-us.

Notice of Address Change: If your physical address or email address changes, you MUST file a formal 'Notice of Address Change' form directly with the Clerk's Office.

3. Important Notice for Poverty Affidavits:

• **If you are filing your case with a Poverty Affidavit:** You must wait until the Judge issues a decision on your Poverty Order *before* your case begins.

- **If Denied:** You must pay the full required filing fee to proceed with your case.

- **If Accepted:** Please follow the specific instructions below that apply to your exact case type.

4. Mandatory Next Steps After Your Case is Accepted (follow the steps that apply to the type of case you filed):

- ☐ **Cases Filed with an Agreement:** File your formal Request Letter 46 days after you receive the automated email notification that your case filings have been ACCEPTED.
- ☐ **Cases Filed with Sheriff Service:** File your Request Letter exactly 46 days after the Defendant has been served. You will receive an automated email notification notifying you of the date of service.
- ☐ **Adult Name Change Cases:** Download the electronic file-stamped 'Notice of Name Change' from your email. Provide this document to The Macon Reporter (478-994-2358) to run in the newspaper for 4 consecutive weeks. After 4 weeks have concluded, request the 'Publisher's Affidavit' from the Macon Reporter; E-File it into your case, and then file your Request Letter.
- ☐ **Minor Name Change Cases:** File your Request Letter only after you receive notification that your 'Publisher's Affidavit' has been accepted into your case.

To view your case details anytime, log into <https://researchga.tylerhost.net> using your eFileGA email and password.

Envelope #: _____	Case #: _____ (Assigned when case has been accepted)	Clerk Assisted: _____ Date: _____
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