

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 10-330

Complainant: No. 1034114069A

Judge: No. 1034114069B

ORDER

The complainant alleged a hearing officer with the Department of Economic Security improperly handled a hearing regarding unemployment benefits. The commission does not have jurisdiction over DES hearing officers. Accordingly, the complaint is dismissed pursuant to Rules 16(a) and 23.

Dated: March 14, 2011.

FOR THE COMMISSION

/s/ Keith Stott

Executive Director

Copies of this order were mailed to the complainant and the judge on March 14], 2011.

This order may not be used as a basis for disqualification of a judge.

Name:

Judge's Name:

Date of Hearing: October 26th, 2010-11-29

This complaint is in regards to how a Judge behaved while conducting a hearing which I was not present for pertaining to my receiving unemployment benefits.

After my initial appeal from the first hearing on July 12th, the Review Board deemed my case as "Put aside and remanded" with options of appealing if either side requested to do so. They too felt that I was not given a fair chance to prove my case because I was denied the initial postponement by Justice Gladding. The decision was appealed by my employer yet again and another hearing was set for October 26th 2010. Again, as before, no one from the DES Office of Appeals contacted me via email, phone or postal mail to notify me of this hearing. It was not until November 4th when I checked my account that I realized I had not gotten paid. When checking my file, I found that I was disqualified and that came from the hearing on the 26th of October that I had no knowledge of. Again, I was forced to file an appeal because they had the hearing without my knowledge and again I was not able to defend myself. Due to me not being present, the hearing was held regardless and judgement was set against me. I immediately filed an appeal.

When I received the audio transcripts for that hearing, I was very disturbed at what I was hearing. The comments made by Justice were very unprofessional and biased towards my case. Since I was not present, I was not able to state my disapproval on record or defend myself appropriately. When the representative for my former employer requested to have the previous record stand (from the July 12th hearing, being disqualified) the Judge stated "no" because of the decision of the board to have my matter "set aside and remanded". The judge goes on to say the following, "Let's make it quick, I would like to not have it either (meaning the hearing), then eat some lunch.." This clearly indicates total disregard for my matter and for my case. How can I possibly have had a fair hearing knowing all the judge thinks about is having lunch and rushing through the hearing??? This is such a bias towards my matter and very unfair. Are the judges assigned to these matters not expected to hear any and all facts?? Facts from both sides not just one side. In order to make a fair decision, they have to weigh ALL the evidence, not just one side. The fact that I was not made aware of this hearing is bad enough, to have a judge make comments such as this, makes it even worse. I now have to appeal this matter again and this would have all been avoided if the Judges in this matter had done their jobs as they are expected to. The laziness and non-challant attitude is horrible. Maybe they haven't been in the unemployment line to experience what it feels like to not find work after being wrongfully terminated. I have worked since I was 13 and NEVER had I filed for unemployment. I had two jobs lined up but interestingly enough, after a very good interview, they backed out a day later...no reason given. I am sure my former employer played a huge part in that because those two jobs, I was over qualified for them. Why else would my employer have hired me from Canada and paid for my visa to come work for them?? Does that make any sense? To know that the one person that is supposed to be unbiased, fair in judgement, cannot be trusted is very sad. Makes the system look like a joke. I hope something is done about this, I really hope so. This is the third judge within this department I had to file a complaint again. Sad, very sad.