

Agency rules require that if OESC has not received a protest by the tenth day after the claim is filed, the agency must attempt to obtain separation information on all claims where the reason for separation was other than "lack of work." This is so OESC can give due process to all parties involved in the claim. If no response is received to the 10-day call, a determination will be issued based on the available information. Please note that responding to a 10-day call does not make an employer an interested party to any subsequent determinations. This means that if the claimant is allowed benefits, the employer will not receive the notice of determination or have appeal rights.

Upon payment of the fifth week of benefits, an OES-502, Notice of Benefit Wage Charge will be mailed to all base period employers. This gives the employers an opportunity to challenge the benefit wage charge (see Section 3-106, Oklahoma Employment Security Act). Response to an OES-502 will not make the employer an interested party to any previously adjudicated issues or re-open the separation issue for re-determination.

In addition, OESC also addresses such things as deductible pay (severance, retirement, pay in lieu of notice, holiday or vacation pay), ability to work, availability for work, failure to respond to requests or provide information, and untimely filing of benefits.

Protesting benefits

When an employer receives a notice of application, they will have 10 days from the postmark date of the notice to protest the claim. If the tenth day falls on a Saturday, Sunday or holiday, the employer will have until the next working day. If an employer does not protest by the tenth day, they will not be considered an interested party to any subsequent determinations.

When protesting claims, employers should provide specific facts regarding the separation. Protests that only say, "Discharged due to misconduct" fall short of providing useful information. OESC needs to know what caused the separation on that particular day, whether the claimant had received any warnings, and what the claimant should have done that could have prevented the separation. Failing to give specific information could cause an employer to lose their right to be an interested party to any subsequent determination.

Claims, notices and objections (Section 2-503, Oklahoma Employment Security Act)

- Claims for benefits shall be made in accordance with such rule as the Oklahoma Employment Security Commission may prescribe.
- Promptly after an initial claim or an additional initial claim is filed, OESC shall give written notice of the claim to the last employer of the claimant for whom he or she