

EXHIBIT 5

DETR Denial or Refusal to Pay

EXHIBIT 5

Jennifer Edison-Strekal

From: chris tranzillo <[REDACTED]>
Sent: Thursday, July 9, 2020 8:29 PM
To: info; chris tranzillo; [REDACTED]
Subject: PUA Denial Claim Information Nevada
Attachments: [REDACTED]

Dear Attorney Thierman -

I am submitted documentation as to a claim process that I have been going through. Submitted for UI and was denied, then approved PUA and then subsequently denied 3 weeks later. In addition the system has mistakenly associated my claim with being in the Military, and I am not and have never been in the military. No payment has been received to date. I am attaching my approval letter and denial from UI. I have submitted this appeal via US Post and uploaded to the PUA portal.

Hope this helps the case and we finally get paid.

Chris Tranzillo

Claimant ID: [REDACTED]
Claim Effective Date (BYB): 04/05/2020
Benefit Year Ending (BYE): 12/26/2020
Agreement Number: Section 2102 of the CARES Act of 2020

Christopher E. Tranzillo

9 July 2020

Claimant ID: [REDACTED]

Claim Effective Date (BYB): 04/05/2020

Benefit Year Ending (BYE): 12/26/2020

Agreement Number: Section 2102 of the CARES Act of 2020

NOTICE OF APPEAL

Because the website (employ NV) appeal process/link is not working. I Christopher Tranzillo hereby APPEAL the attached determination and request immediate adjudication for inter alia.

I am appealing this decision as I am not eligible for UI insurance, and received a denial letter back in May 2020, this letter was uploaded to the portal as well as documentation of the approval of the PUA claim. In addition, I hereby also certify that I am NOT or was ever in the Military as incorrectly marked by your system. I was laid off due to COVID 19 on April 8, 2020.

I immediately request a review of my case.

The conduct of DETR constitutes a taking of property without due process see, e.g. California Department of Human Resources Development v. Java 402 US 121(1971). Since I am unemployed I further ask that DETR pay all my legal expenses in this appeal.

Chris Tranzillo

Claimant ID: [REDACTED]

work such as copies of paycheck stubs, W2 forms, etc. Failure to provide accurate information may result in the overpayment of benefits for which you may be responsible for repayment.

Please be advised that Military, Federal Government or wages from another state will be shown as pending until the wages are received. These wages are requested at the time you filed your claim. You will receive a redetermination when these wages are added to your claim. Please continue to file your weekly claims during this process.

NOTE: Unemployment compensation information may be requested and utilized for other governmental purposes, including, but not limited to, verification of an individual's eligibility for other governmental programs and may be subject to verification through computer matching programs with other agencies, pursuant to applicable federal and state law, including 20 C.F.R. § 603.11, NRS 612.265, and the Privacy Act of 1974, 5 U.S.C. § 552a.

To protect your benefit rights, please download and read the Nevada Unemployment Insurance Facts for Claimants Handbook located at ui.nv.gov
ui.nv.gov/Handbooks/uinv_handbook.htm

Para proteger sus derechos a sus beneficios, descargue y lea el manual de Informacion para Reclamantes del Seguro de Desempleo en Nevada en ui.nv.gov
ui.nv.gov/Handbooks/uinv_handbook.htm

Employer	QTR Q1/2019	QTR Q2/2019	QTR Q3/2019	QTR Q4/2019	Employer Total	State
WJ BORGHOFF INC	\$512.00	\$0.00	\$0.00	\$0.00	\$512.00	NV
PUEBLO ELECTRICAL SERVICES INC	\$0.00	\$0.00	\$0.00	\$50.00	\$50.00	NV
INNOVOLT ELECTRIC	\$0.00	\$0.00	\$0.00	\$5,220.00	\$5,220.00	NV
Total Wages	\$512.00	\$0.00	\$0.00	\$5,270.00	\$5,782.00	

Based on the above information you are potentially eligible for:

Weekly Amount	Total Weeks	Maximum Payable Amount
\$0.00	0	\$0.00

You have the right to file an appeal. In accordance with NRS 612.485, the last day to protest this determination or request cancellation of this claim is 04/21/2020.

Jennifer Edison-Strekal

From: Thierman Buck Law Firm <website@laborlawyer.net>
Sent: Tuesday, July 7, 2020 2:16 AM
To: info
Subject: Contact Us Page Submission

You have a new message from the CONTACT US page of your website:

Name: Carlos Tsung

Email: [REDACTED]

Phone: [REDACTED]

Employer: Uber/lyft/w2

Message: Applied for ui in March got declined, applied for pua in May got preapproved for the amount until yesterday got declined and said to apply for ui program after almost 4 months no benefits I believe they have made a error in declining and would like to hire you to represent me if possible, this is getting ridiculous and I feel I'm getting cheated by the state while we are suffering. I've had 3 jobs got laid off due to the Covid in March. Please help

Jennifer Edison-Strekal

From: Rudolf Jovero <[REDACTED]>
Sent: Tuesday, July 7, 2020 3:01 PM
To: info
Subject: Re: PUA - Rudolf Jovero, Las Vegas

Hello,

I wanted to update that I was paid with backpay in June 19th. But today I got a letter saying they have denied my claim because I was eligible for regular UI. I don't know what this means right now.

Best,
Rudolf Jovero

On Tue, Jun 16, 2020 at 10:24 AM Rudolf Jovero <rudj.jovero@gmail.com> wrote:

Hello Thierman Buck Law Firm,

I have been working various jobs in Las Vegas. In 2019 I started the year as a student. at the end of the year I did not go to school in the fall and had 2 jobs that were W2. One was on-call and the other was part time employment. In 2020 I still had the on call job, I worked full time in february temporarily, and I picked up a gig for doing pharmaceutical research studies. I did 3/4 trials, then the 4th trial was cancelled due to COVID-19. I would be getting a 1099 from the pharmaceutical research. I'm not sure if you need more information about the pharmaceutical research, This initial email is about providing context for my PUA situation.

I filed for PUA May 17th, 2020. on May 22nd I got the issue "PUA - Other Program Eligibility" Sometime later I got more issues, but they were removed, and I'm left with the PUA - OPE issue. I have received 2 eligibility Emails. 1st one approved me for the \$181 minimum, the second raised my weekly benefit amount to \$237. I have been filing weekly, and all my claims currently say 'In Progress'.

I hope this info helps,

best,
Rudolf Jovero

This is what my claim summary says:

Claim Number: [IDK if I should provide this]

Claim Effective Date: 3/15/2020

Claim Type: New

Claim Status: Regular Active

Available Credits: \$9,243.00

Claim Benefit Balance: \$9,243.00

Claim Benefit Paid \$0.00

Federal Tax Withheld: Yes

Benefit Year End Date:

Payment Type:

Weekly Benefit Amount:

Claim Under Review:

Unresolved Issues:

State Tax Withheld:

12/26/2020

Direct Deposit

\$237.00

No

Yes

No

Jennifer Edison-Strekal

From: Eric G Young <[REDACTED]>
Sent: Sunday, July 5, 2020 11:52 AM
To: info

Hello my name is Eric George Young I don't know what to do I was denied unemployment because I quit my job because I was having side effects from medicine I take for bipolar I was driving a truck and trailer with 10 tons of stone in it I was having blurry vision and panic attacks while driving so I quit and unemployment denied me. So I got a new job and got laid off and filed again I filled from 4/6 to 5/18 and got paid nothing. So I filled with PUA and has filled for 13 weeks and got paid nothing I was approved for \$320 a week while UI only approved me at \$92 first week and \$160 a week after that up to \$1,350 total benefits amount. Make a long story short IU left me a message they were paying me from 4/6 to 5/18 so I got some money but I have not received from 5/24 to 6/20 total of 5 weeks but I have filled everyweek since then with both UI and PUA after this week leaving me a balance of \$140 left on my UI claim. What should I do? PUA owes me \$160 a week additional for 13 weeks plus the 5 weeks of no pay. Everytime I call UI the phone is always busy and I can never get a hold of PUA now either when it's all done I'm owed \$6,700 for missing full benefit from PUA and 5 weeks of no Pay. Plus additional alvaible \$320 a week from PUA till December 26 I have no clue how to fix this mess I have to claims now open my UI claim only has \$140 left to use with no extension can you please help me I really want to sue unemployment I'm disabled and they denied me help and I was discriminated against because I quit my job to keep the community safe and myself safe from driving reckless and killing someone unemployment has cost me everything I lost everything please help me

Jennifer Edison-Strekal

From: Jenn [REDACTED]
Sent: Wednesday, June 17, 2020 2:55 PM
To: info
Subject: DETR - PUA

Hello,

My name is Jennifer Hellstrom and here is the situation I have found myself dealing with since end of March.

I mainly work in the TV Production and Event Management. At times it is 1099 gig job and depending on the length of the job it can be W2 (mainly when doing TV.) I also picked up a on-call position at a local Las Vegas hospital at the beginning of the year to earn some money for savings.

Since the announcement of the pandemic and the closures there has been no work in the 2 of the 3 fields I work and at the start of April all my shifts at the hospital were cancelled. I have not worked since 4/9/20

I originally filled my UI 3/27/20 to get the process started with my gig job UI and the cut in hours I was already seeing at the hospital. I filled my weekly claims to just account for them as it stated there was an issue and I will need to talk to someone. Well we all no how that went. I emailed them on 5/14 with all my tax docs and paycheck stubs from the hospital. They said they uploaded them to my account and to be patient. And then my claim was denied and I wasn't even able to file weekly claims.

Once the EmployNV site was up I applied for PUA that very first day and it said I was approved. Now it is saying I have two issues.

Create Date	Issue Description	Employer	Status
06/01/2020	DUA - Unemployment not result of disaster	N/A	New
05/22/2020	PUA - Other program eligibility	N/A	New

I have called and called and called and uploaded the screen shot from UI site saying I was ineligible for regular unemployment.

I don't know what else I can do at this point and I am so nervous I am not going to see a dime to help put me back on track with my bills.

Thank you!
Jenn Hellstrom
[REDACTED]

Jennifer Edison-Strekal

From: Gary Amsterdam <[REDACTED]>
Sent: Monday, June 22, 2020 6:21 AM
To: info
Subject: Gary Amsterdam Unpaid PUA Claim 4685 Filed 5/16; Adjudicated Approved 6/6

I sent you a prior email last night about my willingness to help in your newest lawsuit against DETR to compel payment of claims. This is the text of my email yesterday and today to DETR and fraud@detr.nv.gov:

PUA Claim [REDACTED] filed 5/16/2020
Gary Amsterdam
[REDACTED]

My PUA Claim 4685 received an Adjudication Approval Determination for release of payment on 6/6/2020. 4 PUA Claims Adjudicators have entered case notes for DETR to pay my claim. Yet, despite the promises and representations of 4 claims adjudicators and 4 claims representatives that my claim, approved since 6/6/2020, would be scheduled for payment within a few days, I still have not been scheduled for payment by DETR. **WHY HAVE I NOT RECEIVED A PAYMENT DATE???**

On Friday, June 19, I spoke with a **4th Adjudicator**, James, who tells me that (1) payment can only be authorized by DETR and (2) **all issues on the PUA side have been resolved since 6/6/20**, but that PUA cannot "see" DETR issues and (3) the only thing PUA can do is to note the file for DETR to pay the claim. In other words, there exists no mechanism for a claimant like me to communicate with DETR to find out or "determine" or "adjudicate" active DETR issues, if any, except to send emails complaining about not getting paid. That is some black hole in the system! The Adjudicator's notes for 6/19/20 state:
"DETR please review any remaining active issues on the Claimant's account for payment to be issued. Everything on the Adjudicator side has been determined and resolved. Claimant still shows active issues for weeks after Adjudication. **Please resolve and issue payment."**

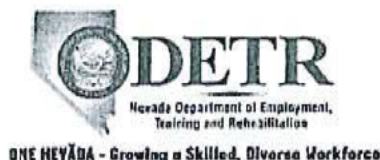
FOUR SEPARATE ADJUDICATORS HAVE ENTERED NOTES FOR DETR TO PAY MY CLAIM!!! This has been my status now for 3 weeks since PUA Adjudicated my Claim 4685 as Approved and authorized release of payment on 6/6/20 and still **nothing has occurred**. **WHY NOT?** I understand that DETR is paying PUA claims last filed first and first filed claims last. For the early filers like me, that is inherently unfair. I know 8 people who have filed in the last 2 weeks who have already been paid while claimants like me filing in the first week (I filed on Day 1) are in no-man's land. Truly outrageous!

I would greatly appreciate and further demand that someone with authority on the DETR side, whether a caseworker, claims manager or supervisor or other person with authority, **call me, Gary Amsterdam ([REDACTED]) and/or correct and fix the problem of my non-payment by:**

Authorizing/scheduling a payment date for my Approved PUA Claim [REDACTED]

Gary Amsterdam
[REDACTED]

Employment Security Division
PUA Claim Center: (800)-603-9681
PUA Adjudication Office: (800)-603-9682



PANDEMIC UNEMPLOYMENT QUALIFYING DETERMINATION

Claimant:
Gary Amsterdam

SSN #:

Claimant ID:

Claim Effective Date (BYB):
03/15/2020

Benefit Year Ending (BYE):
12/26/2020

Gary H Amsterdam

IMPORTANT INFORMATION ABOUT YOUR PANDEMIC UNEMPLOYMENT CLAIM QUALIFYING DETERMINATION

Date: 06/08/2020

Dear Gary H Amsterdam:

We have completed a review and investigation of your claim for Pandemic Unemployment Assistance referenced above. We have determined that your claim is **APPROVED** as you meet the qualifications required by the Coronavirus Aid, Relief, and Economic Security (CARES) Act of 2020 for Pandemic Unemployment assistance. In order to receive payment you must maintain weekly certifications until you are employed and earning over your weekly benefit amount.

Determination made to release payment to individual. This qualification is effective **03/15/2020**.
Please see the other side of this notice for the full text of the applicable law, 2102(c).

You may receive multiple decisions on your claim; please note that any one denial decision supersedes all other decisions. Your claim will be processed for payment unless there are other issues to be resolved. You can check the status of your claim by logging into EmployNV and from your dashboard, selecting **Unemployment Services**, then **Claim Summary**.

You have the right to appeal this determination.

You have 11 days from the mail date on this letter to file an appeal. This means your appeal must be submitted by 06/19/2020.

Please see below Appeal Rights and appeal filing instructions.

Report suspected UI Fraud online at <https://ulfraud.nvdeetr.org>



INSTRUCTIONS AND OPTIONS FOR FILING AN APPEAL AND OTHER IMPORTANT INFORMATION

You have **11 days** from the mail date on the first page of this letter to file an appeal. If you do not make that deadline, you lose the right to appeal this determination.

If you appeal, a hearing will be conducted telephonically by the Administrative Law Judge. Everyone who is a party to this appeal will have the opportunity to testify and present evidence during this hearing. The Administrative Law Judge may modify, reverse or affirm the original determination.

THE CLAIMANT'S SOCIAL SECURITY NUMBER MUST APPEAR ON ALL DOCUMENTS.

You have the right to retain and include legal representation, such as a lawyer, to assist you during the hearing. You can also provide your own testimony, exhibits, and evidence. You may also present witnesses at the hearing and request help from the Nevada Department of Employment, Training and Rehabilitation to subpoena reluctant witnesses.

Detailed appeal hearing information will be provided to you by the Appeals Referee, upon filing a timely appeal, which includes instructions on how and when to present these various tools to help support your case.

If you decide to file an appeal, choose ONE of the following:

- **Online (fastest option)** -- at <https://www.employnv.gov/>. PUA dashboard, click **More Unemployment Services** located under the **Unemployment Services** tab. Then, click **Appeals** then select the **Determinations** tab and click **File Appeal**. Complete the appeals form; be sure to click **Finish**.

ADDITIONAL INFORMATION

If you decide to appeal, you should continue to certify for weekly benefits until the Judge's appeal decision is made. Remember: If you return to work but you're not working full time, be sure to report your earnings each week when you file for benefits. For more information on filing, refer to the Benefits Rights Information document available on our website, <https://www.employnv.gov/>.

SECTION 2102(C) OF THE CARES ACT

2102(c)

(c) Applicability.-- (1) In general.--Except as provided in paragraph (2), the assistance authorized under subsection (b) shall be available to a covered individual-- (A) for weeks of unemployment, partial unemployment, or inability to work caused by COVID-19-- (i) beginning on or after January 27, 2020; and (ii) ending on or before December 31, 2020; and (B) subject to subparagraph (A)(ii), as long as the covered individual's unemployment, partial unemployment, or inability to work caused by COVID-19 continues.

