



Texas Unemployment Claim Response Evidence Packet

For Texas employers assembling a complete, consistent, on-time response to a TWC unemployment claim.

WHAT THIS HELPS YOU DO

Use this packet to organize the separation story, supporting documents, and witnesses into a single evidence file before you respond to a Texas Workforce Commission unemployment claim — and before the response deadline passes.

WHEN TO USE THIS DOCUMENT

- Within 24 hours of receiving a TWC Notice of Application for Unemployment Benefits
- Before writing any response or calling TWC back
- When preparing for an unemployment appeal hearing
- Before deciding whether to contest a claim at all
- When the separation reason was misconduct and you must prove it

WHAT THIS DOCUMENT HELPS PREVENT

- Unemployment chargeback risk from missed deadlines and thin responses
- Responses that contradict the termination paperwork and haunt later litigation
- 'Misconduct' arguments with no final incident, no policy, and no warnings attached
- Witnesses identified for the first time at the appeal hearing
- Contesting claims you cannot win — and creating a record while losing them

Faulkner HR Solutions focuses on the system behind the people problem. This tool is designed to help employers slow down the decision, identify the risk, and create proof before the issue becomes a claim, complaint, turnover event, or credibility problem.

BEFORE YOU START: READINESS CHECKLIST

Gather the following before working through this document. Incomplete inputs are one of the most common reasons employer decisions fail under later scrutiny.

Have it	Input	Notes / location
<input type="checkbox"/>	Employee name and role	



Have it	Input	Notes / location
<input type="checkbox"/>	Date of incident, request, or separation	
<input type="checkbox"/>	Supervisor involved	
<input type="checkbox"/>	Policy or handbook section that applies	
<input type="checkbox"/>	Prior documentation on file	
<input type="checkbox"/>	Pay records, if applicable	
<input type="checkbox"/>	Relevant emails, texts, notes, or complaints	
<input type="checkbox"/>	Decision-maker name	
<input type="checkbox"/>	Deadline, if applicable	



CLAIM RESPONSE EVIDENCE PACKET

Everything you tell TWC becomes a permanent record. Build the evidence file first, then write the response from the file — never the other way around.

Part 1 — Claim Snapshot

Claimant name and last position	
Date TWC notice received	
TWC response deadline (calendar this now)	
Last day worked / separation date	
Separation reason as stated on internal paperwork	
Person who will submit the response	

Part 2 — Separation Reason and Classification

Benefits usually turn on one question: did the claimant quit without good cause connected to the work, or was the claimant discharged for misconduct connected to the work? Pick the honest classification and stick to it everywhere.

Applies	Classification	Facts supporting it
<input type="checkbox"/>	Voluntary quit — employee ended the relationship	
<input type="checkbox"/>	Discharge for misconduct — policy violation, mismanagement of position, or disregard of employer’s interests	
<input type="checkbox"/>	Discharge without misconduct — performance, fit, or business reasons (benefits likely payable)	
<input type="checkbox"/>	Layoff / reduction in force	
<input type="checkbox"/>	Job abandonment — verify against the communication history before using this label	

Part 3 — Separation Timeline

List events in order, each tied to a document. Gaps and contradictions here are what claim examiners and hearing officers notice first.

Date	Event	Supporting document (index #)



Date	Event	Supporting document (index #)

Part 4 — Policy Violated

Policy or rule violated (exact handbook section)	
How the employee knew the policy (handbook receipt, training, prior warning)	
Date of the employee's signed policy acknowledgment	
How the same policy has been enforced with other employees	

Part 5 — Prior Warnings and Discipline

Date	Type (verbal, written, final)	Issue	Issued by	Employee response

Part 6 — Final Incident Summary

Describe the specific final incident that triggered the separation: what happened, when, who saw it, and what policy it violated. For misconduct cases, TWC focuses heavily on the final incident — write it factually, without conclusions like 'bad attitude.'



Part 7 — Witness List

Witness name / role	What they personally observed	Available for hearing?

Part 8 — Evidence Index

Index #	Document	Date	Location / custodian

Role	Name / signature	Date
Packet prepared by		
Response reviewed by		
Submitted to TWC (date/method)		

STOP AND REVIEW BEFORE ACTING

If any statement below is true, pause. Get the decision reviewed by HR, counsel, or Faulkner HR Solutions before you act.



- The employee recently complained about pay, harassment, discrimination, safety, leave, or retaliation.
- The supervisor has no prior documentation.
- The decision is inconsistent with how similar cases were handled.
- The employee is on, or recently requested, protected leave.
- The issue involves pay, deductions, final wages, medical information, disability, pregnancy, injury, or protected activity.
- The decision will be visible to a board, council, funder, auditor, plaintiff attorney, or agency.

MINIMUM DOCUMENTATION STANDARD

Before this file is closed, the employer should be able to answer every question below and point to where the proof lives.

Question	Your answer / where the proof is stored
What happened?	
When did it happen?	
Who observed or reported it?	
What policy, standard, deadline, or expectation applies?	
What decision was made?	
Who had authority to make the decision?	
What alternatives were considered?	
What risk was reviewed?	
What follow-up is required?	
Where is the proof stored?	

COMMON MISTAKES

1. Missing the TWC response deadline and losing party-of-interest rights over a claim you could have won.
2. Writing 'terminated for poor performance' to TWC when the file says 'position eliminated' — inconsistency is remembered forever.
3. Arguing misconduct with no final incident, no policy citation, and no prior warnings attached.
4. Calling a quit 'job abandonment' without checking texts, calls, and voicemail history.
5. Sending the entire personnel file instead of an indexed set of relevant documents.
6. Treating the unemployment response as clerical work rather than sworn-quality testimony that can surface in later litigation.



WHAT TO DO NEXT

Write the TWC response directly from this packet, submit it before the deadline by a trackable method, file the packet with the separation record, and calendar the appeal window. If the claim involves any protected-activity history, get the response reviewed before submission.

Before you terminate, deduct, discipline, classify, or respond, get the decision reviewed.

Call 210.446.8730 or email thomas@faulknerhrsolutions.info.



Before you process payroll, terminate, classify, deduct, or respond to a claim, get the decision reviewed.

Need help applying this to a real workplace decision?

Faulkner HR Solutions helps Texas employers, nonprofits, municipalities, and growing businesses fix the people systems behind recurring workplace problems.

If this document raised a risk flag, do not guess your way through the next step.

Call: 210.446.8730

Email: thomas@faulknerhrsolutions.info

Website: faulknerhrsolutions.info

DISCLAIMER

This resource is provided for general employer education and planning purposes. It is not legal advice and does not create an attorney-client relationship. Employment laws, agency guidance, and local requirements may change. Employers should review the facts of each situation before acting and consult appropriate HR or legal counsel when needed.