July 28, 2016, BROOKLYN, N.Y.—Former Uber drivers today filed a federal lawsuit challenging New York State's refusal to investigate or adjudicate claims for unemployment insurance ("UI"), effectively denying them access to benefits they need to support themselves and their families while they are unemployed. The plaintiffs—two individual drivers and the **New York Taxi Workers Alliance**—are represented by **Legal Services NYC's Brooklyn program**.

Press coverage: Politico

Generally, the **New York State Department of Labor ("DOL")** issues a determination regarding a claimant's eligibility for UI based on wages reported by employers—in this case, Uber. If the claimant believes they have been misclassified as an independent contractor rather than as an employee, the claimant can request that the DOL investigate and make a determination. If the DOL finds that the claimant was actually an employee, it will then make a determination about their eligibility for UI benefits including those wages. Today's lawsuit alleges that **Governor Andrew Cuomo's office** has unlawfully blocked the DOL from investigating and/or determining UI claims made by former Uber drivers.

Levon Aleksanian and **Jakir Hossain** both worked as drivers for Uber in New York City, with Uber providing dispatch information, designating the amount of wait time, dictating a tipping policy, handling all customer complaints and billing, and unilaterally setting fare rates and drivers pay rates. When their employment with Uber was terminated—Mr. Aleksanian in September 2015 and Mr. Hossain in April 2016— they each applied for UI benefits to help support themselves and their families.

After repeated inquiries about the status of his application, Mr. Aleksanian received an email in February from a DOL Labor Services Representative stating that "The information we are being given is these claims (not just yours) are under executive review, which means the Dept of Labor is not making the decision whether or not this employment is covered." Mr. Hossain has not received any communication or determination from the DOL on his UI claim since May. Neither Mr. Aleksanian—who made his initial claim for benefits more than ten months ago— nor Mr. Hossain can ask for hearings on their UI applications because there have been no determinations made upon which they could appeal. In the meantime, each has had to accrue substantial debt by borrowing money from credit cards in order to pay for basic living expenses.

"Uber drivers who lose their jobs should be able to file and have their unemployment insurance applications decided just like any other unemployed worker in the State of New York," said **Nicole Salk, Staff Attorney at Brooklyn Legal Services**. "Our clients have been left hanging by New York State's blocking of unemployment insurance claims by Uber drivers. In effect, they have been denied unemployment benefits, which are a crucial means of support for them and their families while they remain unemployed."

"Drivers can't put a hold on paying rent and buying groceries while unemployment claims gather dust," said **New York Taxi Workers Alliance Executive Director Bhairavi Desai**. "All we are asking for is the basic processing given to all other claimants in our state, and an end to special treatment for Uber on the backs of its workers."

By failing to investigate and make a determination on UI claims submitted by former Uber drivers, the Governor and the Department of Labor are illegally denying these workers the right to UI benefits in violation of Title III of the Social Security Act of 1935, the Equal Protection Clause of the United States Constitution, and the Due Process Clause of the United States Constitution. The plaintiffs are asking that the Court order the Defendants to immediately investigate and adjudicate the individual plaintiffs' and all Uber drivers' applications and claims for UI benefits.

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