



How to Appeal or Terminate A Wage Claim Determination

If you are a party to a claim and disagree with the determination made by the Compliance Investigator for a wage claim, you can appeal the determination. To appeal, fill out the attached appeal form (3 pages) and return it to the Division.

To be valid, your appeal must:

1. **Be in writing and signed.**
2. **Be received on time by the Division** (within 35 days from the date of the determination). The Division cannot consider late appeals. If a valid appeal is not received by the 35-day deadline, the determination is final.
3. **Explain at least one clear mistake** in the original determination.
4. **Explain how this mistake could actually change the result** of the determination. If your appeal doesn't do this, it might be rejected.

You can attach new evidence that could help prove there is a clear error in the determination. If you want the hearing officer to consider new documents, you will have to explain to the hearing officer why you have good cause for filing new evidence that was not provided during the investigation.

What happens to payment deadlines if you appeal?

If the determination offered the employer reduced penalties and fines for paying wages and penalties promptly, an appeal **does not and cannot** extend the payment deadline(s) for that reduction offer. The Division's discretionary reduction of penalties is authorized by statute only if all wages are paid within 14 days of the determination.

If the determination found that the employer owed money to the claimant (the person who filed the claim), filing an appeal **might** delay the 60-day deadline for higher penalties and fines. Check the "Notice of Assessment" in the determination for details.

What happens to an appeal if the employer pays the claimant?

If the claimant accepts payment of the full amount of wages and penalties ordered in the determination, the claimant cannot appeal.

Pausing deadlines for compliance orders:

A compliance order is an order for an employer to take action beyond paying wages, penalties, or fines (for example, changing a policy). Most determinations do not include compliance orders, in which case, this information does not apply to your appeal.

If an employer wants a compliance order stayed (postponed), it must specifically request it by filling out the Compliance Order Stay Request Form (available at cdle.colorado.gov/decisions-appeals-information), in addition to this appeal form. The employer should file its appeal and stay request as soon as possible after the determination (if possible, do not wait until the 35-day



deadline), so the Hearing Officer has time to address the request(s) before the compliance order deadline. There is no guaranteed right to a stay.

How to Send Your Appeal

You may file your completed appeal request by mail, hand delivery, fax, email, or (if you created a portal account during the investigation) by using the online claim portal.

- Mail or Hand Delivery: Division of Labor Standards and Statistics, 707 17th Street, Denver, CO 80202
- Fax: (303) 318-8400
- Email: cdle_ls_appeals@state.co.us
- Online Portal: <https://socgov11.my.site.com/LSCS/s> (only if you already have an account from the investigation).

The Hearing:

- If a valid appeal is filed, the Division will notify you and the other party or parties of the date and time of the hearing and other deadlines and instructions. The Hearing Officer may find that a hearing is not needed based on the issue(s) being appealed (after giving the parties a chance to comment on whether they think a hearing is needed).
- If there is a hearing, it will be by **telephone**.
- During a hearing, all parties will be able to testify, present arguments, and question the other witnesses.
- The Hearing Officer can alter the determination only if there is a clear error of fact or law.

A claimant can end (terminate) their claim, instead of appealing:

- This applies to claims filed under the Wage Act and/or COMPS Order.
- Only the claimant (not the employer) can terminate the Division's investigation.
- The Division must receive a written request for termination (email is ok) within 35 days of the determination date. The claimant cannot terminate the claim after that deadline.
- The claimant may terminate their claim even if the determination was appealed.
- If the claimant terminates the claim:
 1. The determination will be revoked, along with any related order to pay the claimant wages and/or penalties; and
 2. Neither party can appeal the determination (it will be as if it was never issued). The claimant will retain any right to file an action against the employer in court, but the Division's determination cannot be used as evidence.

Have Questions?

- Review the Appeals INFO #2C at: cdle.colorado.gov/infos
- Email cdle_ls_appeals@state.co.us or call the appeals staff at (303) 318-8442.
- Appeals staff can only answer questions about the **rules and process**. They **cannot talk about the facts of your specific case**. Do not ask the Investigator who made the original determination about your appeal.



Wage Claim Appeal Request Form

Claim Number

Your Name

Email Address

Mailing Address (include city, state, and zip code)

Telephone

Alleged Employer(s) or Company Name(s)

1. _____
2. _____
3. _____

The determination addressed whether an **individual** was liable to pay wages.

Yes No Unsure

If yes, and if you are filing on behalf of any alleged employer(s) (select one of the below options):

I represent a business/ corporate entity named in the determination, and I am appealing only on its behalf.

I am an individual named in the determination, and I am appealing only on my behalf.

I am appealing on behalf of both the business/ corporate entity and the individual(s) named in the determination.

Has the claimant taken legal action in court against the employer in this matter?

Yes No Unsure

If yes, case number:

Has the employer filed for **bankruptcy**?

If yes, case number:

Yes No Unsure



C O L O R A D O
Department of
Labor and Employment

Division of Labor Standards and Statistics
707 17th Street Denver, CO 80202 | 303-318-8441
www.ColoradoLaborLaw.gov | www.LeyesLaboralesDeColorado.gov

Do you need an **interpreter or other accommodation?**

Yes

No

Unsure

If yes, explain what you need:

If you will be represented by a third party, write their name, address, phone number, and email address below. If you have not already done so, file an [Authorized Representative Form with the Division](#).

Describe the clear error in the determination (i.e., why you are appealing). Attach additional pages if needed. If you have new evidence, attach it or explain what you plan to submit. If you do not attach new evidence now, then when you send it to the Division later, you must send a copy to the other party or parties. At the hearing, you must show good cause for not filing the document(s) as evidence during the investigation. 7 C.C.R. § 1103-7: Rule 6.3.



Only the **claimant (alleged employee)** completes this box if they are appealing. If you are the claimant and you accept payment from the employer of all wages, compensation, and penalties ordered in the determination, you may not appeal. Affirm the following if you wish to appeal the determination.

I have not already accepted such payment.

I understand that if I do accept such payment, I will not be able to appeal.

I understand that any person providing false information to the Division of Labor Standards and Statistics may be subject to criminal prosecution under the laws of the State of Colorado with possible penalties of imprisonment, fines, or both. **I declare** under penalty of perjury (C.R.S. § 18-8-501, et. seq.) that the information I provided is true and correct. If I am not the appealing party, I **certify** that I am acting on their behalf.

Signature of the Person Appealing
(or authorized representative)

Date (MM/DD/YYYY)