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8 7287 Lakeside Drive
9 Reno, Nevada 89511
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12 *Attorneys for Plaintiffs-Petitioners*

13
14
15 **IN THE SECOND JUDICIAL DISTRICT COURT OF**
16 **THE STATE OF NEVADA IN AND FOR THE**
17 **COUNTY OF WASHOE**

18 AMETHYST PAYNE, *et al*, on behalf of
19 themselves and all others similarly situated,

Case No.: CV20-00755

20 *Plaintiffs-Petitioners,*

DECLARATION OF

21 v.

Ralph Wyncoop

22 STATE OF NEVADA ex rel NEVADA
23 DEPARTMENT OF EMPLOYMENT,
24 TRAINING AND REHABILITATION
25 (DETR); HEATHER KORBULIC in her
26 official capacity only as Nevada Director of
27 Employment, Training and Rehabilitation; and
28 KIMBERLY GAA in her official capacity
only as the Administrator for the Employment
Security Division (ESD); and DOES 1-100,
inclusive,

Defendants-Respondents

1 State of Nevada

2 County of Clark

3
4 I, Ralph Wyncoop, being duly sworn, upon my oath, hereby depose and say:

5 1. The following declaration is based upon my own personal observation and
6 knowledge, and if called upon to testify to the things contained herein, I could competently so
7 testify, except as to those matters stated to be based upon information and belief, and as to
8 those matters, I believe them true because I believe that the source of the information is
trustworthy and the statement is admissible in a court of law.

9 2. I am an UBER Driver. I have been affected by the Covid-19 closures put in
10 place by Governor Sisolak. I'm located in Las Vegas, Nevada. I am in the high risk Covid-19
11 group. I am a Veteran, I am Disabled, I am a Diabetic. I have been hospitalized 2 times for
12 Pneumonia. I am despondent and desperate. I have no money to live on. I am not able to get a
13 short-term personal loan because I have no verifiable income or payments from Pandemic
14 Unemployment Assistance ("PUA"). I cannot keep current with my bills. My credit cards are
15 maxed out and I am paying high interest because I can only make the minimum payment, if
16 that. I have been using the local Food Bank for food but sometimes they have limited stock.
17 The Covid-19 Quarantine has ruined my life because Nevada has not paid me one penny of
18 what was promised under PUA and FPUC (Federal Pandemic Unemployment Compensation).
19 I filed on the first day the PUA site was available in Nevada, May 24th. I have filed all
20 subsequent weeks. My information on their website says my claim is in process and I am
entitled to \$455 a week plus the \$600 going back to 3/15/20.

21 3. I have not been able to work since the week of March 15th, 2020 due to the
22 quarantine and my high-risk category. I am desperate. I no longer have any money left. I will
23 be homeless on July 1 because Nevada owes me money dating back to 3/15. I call many times
24 a day and no one answers. I have called my Senator Titus' office many times and they say they
25 have been in touch with the Governor they have taken my information and never contacted me
26 again. I have called my Congresswoman many times and all they can say is they have been in
27 touch with the Governor. They take my information and never contact me again. I have written
28 to President Trump 2 times and he referred me to the Senator who called me, took my

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1 information and never called back. The same with my Congresswoman. I have called the
2 Governor's office who has never responded either.

3 4. I applied for Unemployment Insurance ("UI") through the Nevada Department
4 of Training and Rehabilitation ("DETR"). At that time there was no available portal for a
5 Pandemic Unemployment Assistance ("PUA") which included independent contractor claims
6 and I was rejected for unemployment. When the PUA portal was opened I applied in PUA. To
7 this day I have not received any PUA payments. Additionally, my account does not reflect the
8 automatic Federal Pandemic Unemployment Compensation ("FPUC") owed at all. I have
9 continued to file weekly PUA certifications required. On 6/12/2020 I was able to get through
10 on the DETR phone line to attempt to resolve the unknown issue. There continues to be no
11 resolve to the unknown issues and no payments have been received. The DETR claims that if
12 there is a problem with your filing, I would receive a letter from them and a phone number to
13 call to resolve the issue. I have received no such letter and my Claim says In Process.

14 5. I have read the forgoing declaration consisting of this page and 6 others and
15 declare under penalty of perjury that it is true and correct, except as to matters stated upon
16 information and belief, and as to those, I believe them true. I have attached true and correct
17 copies of the exhibits, if any, listed herein after.

18 AFFIRMATION

19 *The undersigned does hereby affirm that the preceding document to be filed in the Second*
20 *Judicial District Court of the State of Nevada, County of Washoe, does not contain the social*
21 *security number of any person.*

22 6/15/2020

23 Executed June ____ of 2020 in City of Las Vegas, Nevada.

24 

94891884CDA845F...

25 Ralph Wyncoop

Exhibits Attached (if Any)

Attached hereto are true and correct copies of the following documents:

Exhibit (letter)	Source	Title	Intended to show
1	Email	Email Correspondence with Thierman Buck	Plaintiffs DETR/PUA Story
2	PUA/DETR Account	Notice of PUA Determination	Plaintiffs PUA Eligibility
3	screen shots of DETR account	Claimant Summary for week: 3/21/2020 and 6/6/2020	To show that Plaintiff had not received payment

EXHIBIT 1

Email Correspondence with Thierman
Buck Law Firm

EXHIBIT 1

Law Clerk

From: Ralph Wyncoop <[REDACTED]>
Sent: Monday, June 15, 2020 2:48 PM
To: Law Clerk
Subject: Re: Thierman Buck Law Firm

Follow Up Flag: Follow up
Flag Status: Flagged

I am an UBER Driver. I have been affected by the Covid-19 closures put in place by Governor Sisolak. I'm located in Las Vegas, Nevada. I am in the high risk Covid-19 group. I am a Veteran, I am Disabled, I am a Diabetic. I have been hospitalized 2 times for Pneumonia. I am despondent and desperate. I have no money to live on. I am not able to get a short term personal loan because I have no verifiable income or payments from PUA. I cannot keep current with my bills. My credit cards are maxed out and I am paying high interest because I can only make the minimum payment, if that. I have been using the local Food Bank for food but sometimes they have limited stock. The Covid-19 Quarantine has ruined my life because Nevada has not paid me one penny of what was promised under PUA and FPUC. I filed on the first day the PUA site was available in Nevada, May 24th. I have filed all subsequent weeks. My information on their website says my claim is in process and I am entitled to \$455 a week plus the \$600 going back to 3/15/20.

I have not been able to work since the week of March 15th, 2020 due to the quarantine and my high risk category. I am desperate. I no longer have any money left. I will be homeless on July 1 because Nevada owes me money dating back to 3/15. I call many times a day and no one answers. I have called my Senator Titus' office many times and they say they have been in touch with the Governor they have taken my information and never contacted me again. I have called my Congresswoman many times and all they can say is they have been in touch with the Governor. They take my information and never contact me again. I have written to President Trump 2 times and he referred me to the Senator who called me, took my information and never called back. The same with my Congresswoman. I have called the Governor's office who has never responded either.

I applied for unemployment insurance ("UI") through the Nevada department of training and rehabilitation ("DETR"). At that time there was no available portal for a Pandemic Unemployment Assistance ("PUA") which included independent contractor claims and I was rejected for unemployment. When the PUA portal was opened I applied in PUA. To this day I have not received any PUA payments. Additionally, my account does not reflect the automatic Federal Pandemic Unemployment Compensation ("FPUC") owed at all. I have continued to file weekly PUA certifications required. On 6/12/2020 I was able to get through on the DETR phone line to attempt to resolve the unknown issue. There continues to be no resolve to the unknown issues and no payments have been received. The DETR claims that if there is a problem with your filing, I would receive a letter from them and a phone number to call to resolve the issue. I have received no such letter and my Claim says In Process.

On Mon, Jun 15, 2020 at 9:10 AM Law Clerk <Lawclerk@thiermanbuck.com> wrote:

Thank you, it is great for us to see what they are writing in the letters.

Did you received the declaration draft? Are there changes you would like to make? If you are happy with the story portion of the document I can send it to you to be signed and get it filed.

Thank you,

MIHAL FREITAS, LEGAL SECRETARY

7287 LAKESIDE DRIVE

RENO, NV 89511

PHONE: (775) 284-1500

FAX: (775) 703-5027

LAWCLERK@THIERMANBUCK.COM

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Please consider the environment before printing this e-mail.

From: Ralph Wyncoop <[REDACTED]>
Sent: Sunday, June 14, 2020 7:21 PM
To: Law Clerk <Lawclerk@thiermanbuck.com>
Subject: Re: Thierman Buck Law Firm

This is the letter I received on May 22 stating I was approved for the PUA weekly amount of \$455. Ralph Wyncoop

On Sun, Jun 14, 2020 at 8:16 PM Ralph Wyncoop <[REDACTED]> wrote:

Payment into my Wells Fargo Bank Account.

On Sun, Jun 14, 2020 at 3:21 PM Law Clerk <Lawclerk@thiermanbuck.com> wrote:

Thank you Mr. Wynoop, these are very helpful – we plan to take action by Tuesday. I will be sending over additional paperwork. I see in your payment type it says “active issues” how did you elect to received payment?

Thank you,

-Mihal

From: Ralph Wyncoop <[REDACTED]>
Sent: Friday, June 12, 2020 5:25 PM
To: Law Clerk <Lawclerk@thiermanbuck.com>
Subject: Re: Thierman Buck Law Firm

There should have been 13 ATTACHMENTS but only 8 went through. I am resending. Ralph Wyncoop

On Fri, Jun 12, 2020 at 6:17 PM Ralph Wyncoop <[REDACTED]> wrote:

Here is the info you requested. Each of the weekly filings are included on the Summary plus the additional pages for each week.

Thank you. Ralph Wyncoop

On Fri, Jun 12, 2020 at 3:30 PM Law Clerk <Lawclerk@thiermanbuck.com> wrote:

Good Afternoon Ralph,

It was a pleasure speaking with you this afternoon. Thank you for taking the time to share your story. If you could send us a screen shot or picture of your PUA claim showing the weekly amount they state you are eligible for that

would be helpful – this will also help us show the \$600 is not being automatically approved – not appearing on the site. Also the date you filed your PUA claim.

PUA site: <https://www.employnv.gov/vosnet/Default.aspx>

According to the DETR site – your PUA claim should automatically be approved for the additional \$600:
https://detr.nv.gov/Page/COVID19_FPUC_Federal_Pandemic_Unemployment_Compensation

Our site: <https://thiermanbuck.com/blog/>

Attached you will find retainer info, we are not seeking legal fees, this allows us to potentially use your story in a class action against DETR.

Thank you,

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FAX: (775) 703-5027

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thereto is strictly prohibited. If you have received this electronic communication in error, you should immediately return it to us and delete the message from your system. Thank you.



Please consider the environment before printing this e-mail.

Law Clerk

From: Ralph Wyncoop <[REDACTED]>
Sent: Sunday, June 14, 2020 7:21 PM
To: Law Clerk
Subject: Re: Thierman Buck Law Firm
Attachments: 2020 NoticeofPUAMonetaryDetermination_RalphWyncoop-3824202005221011.pdf

Follow Up Flag: Follow up
Flag Status: Completed

This is the letter I received on May 22 stating I was approved for the PUA weekly amount of \$455. Ralph Wyncoop

On Sun, Jun 14, 2020 at 8:16 PM Ralph Wyncoop <[REDACTED]> wrote:
Payment into my Wells Fargo Bank Account.

On Sun, Jun 14, 2020 at 3:21 PM Law Clerk <Lawclerk@thiermanbuck.com> wrote:

Thank you Mr. Wynoop, these are very helpful – we plan to take action by Tuesday. I will be sending over additional paperwork. I see in your payment type it says “active issues” how did you elect to received payment?

Thank you,

-Mihal

From: Ralph Wyncoop <[REDACTED]>
Sent: Friday, June 12, 2020 5:25 PM
To: Law Clerk <Lawclerk@thiermanbuck.com>
Subject: Re: Thierman Buck Law Firm

There should have been 13 ATTACHMENTS but only 8 went through. I am resending. Ralph Wyncoop

On Fri, Jun 12, 2020 at 6:17 PM Ralph Wyncoop <[REDACTED]> wrote:

Here is the info you requested. Each of the weekly filings are included on the Summary plus the additional pages for each week.

Thank you. Ralph Wyncoop

EXHIBIT 2

Notice of PUA Determination

EXHIBIT 2



Notice of PUA Monetary Determination

Claimant ID:

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

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

Agreement Number:
Section 2102 of the CARES Act of 2020

Ralph E Wyncoop

This determination notifies you, that you are financially eligible for Pandemic Unemployment Assistance (PUA) benefits pursuant to Section 2102 of the CARES Act of 2020 and the applicable federal regulations at 20 CFR, Part 625. Provided you meet all program deadlines and eligibility requirements during the week(s) claimed, you are eligible for a weekly benefit amount (WBA) of [REDACTED]

Your WBA is based on your highest quarterly wages paid and/or net income earned from self-employment as compared to the total of all wages paid and/or net income earned during your most recent federal tax year that ended prior to the beginning of the pandemic. Your WBA should equal at least 50% of the average weekly wage benefit amount in Nevada, as provided by the United States Department of Labor in UIPL 03-20. The maximum allowable WBA in Nevada is \$469.00.

Our records and/or the records you provided show, that during your base period wages and/or self-employment net income reported were;

Employment Income:

Name	January-March 2019	April-June 2019	July-September 2019	October-December 2019
RALPH E WYNCOOP	[REDACTED]	\$ [REDACTED]	\$ [REDACTED]	\$ [REDACTED]

Self-Employment Income: [REDACTED]

Insufficient or No Employment/Self-Employment Income:

If you had insufficient or no employment/self-employment income and you meet all program deadlines and eligibility requirements during the week(s) claimed, you are eligible for the Minimum WBA of \$181.00. **See "Other Important Information" on Page 2.**



APPEAL RIGHTS

If you disagree with this determination, you have the right to file an appeal and your appeal must be received by 07/25/2020. Notice: If you receive more than one decision, read each one carefully to protect your appeal rights. ANY ineligible decision will stop payment of this claim. Please read the following information carefully. If you disagree with the decision you have the right to file an appeal. **The appeal can only be submitted on-line through the EmployNV.gov portal.** Log in to your account, click the Unemployment Services link and select "File an Appeal". You may request an appeal after the finality date indicated above, however, you must show good cause for the delay in filing. If an interpreter is needed, please include this information in the appeal request. During the appeal process you must continue to file claims for any week you are unemployed to preserve any benefit rights that may be established as a result of the appeal. Once your appeal has been received and reviewed, you will receive additional information regarding the appeal in your EmployNV mail box.

OTHER IMPORTANT INFORMATION

WEEKLY FILING INSTRUCTIONS- Online (fastest option) -- Go to EmployNV.gov, select **File Your PUA Weekly Certification** from the welcome page. Log into your claim and follow the prompts. If you are already logged into EmployNV, navigate to Unemployment Services, click **Weekly Claim Certification**.

PUA Claim Center - (800)-603-9681

PANDEMIC ASSISTANCE PERIOD – PUA benefits are payable for the weeks beginning February 2, 2020 and the week ending December 26, 2020. The number of PUA weeks payable is 39, less any week(s) regular of UC paid. A shorter or abbreviated disaster assistance period may be provided if it is determined that unemployment due to the pandemic is of a short duration or is no longer attributable to the pandemic.

MINIMUM WEEKLY AMOUNT - If you have insufficient wages from employment or insufficient or no net income from self-employment in the applicable tax year base period, your WBA is equal to 50 percent of the average weekly benefit amount in Nevada, as provided by the United States Department of Labor in UIPL 03-20. This is known as the Minimum PUA WBA.

OTHER TYPES OF APPLICANTS - Refer to the PUA pamphlet for information on head of household/ breadwinner, incapacitated or deceased applicants and family business.

PERMITS FUTURE REDETERMINATION DURING DISASTER PERIOD - If you filed your PUA claim based only on your certification of credit weeks and/or wage documentation, you must submit sufficient documentation of employment/self-employment within 21 days of your initial application. If sufficient documentation is not received within 21 calendar days, your PUA WBA will be redetermined. If the redetermined amount is less than the original PUA WBA and you received payments of PUA for any weeks of unemployment prior to the date of the redetermination, a determination will be issued establishing an overpayment.

If the PUA WBA was redetermined because the required wage documentation was not submitted within 21 calendar days, you may have your WBA redetermined upon submittal of the documentation prior to the end of the pandemic assistance period. Any higher weekly amount determined will be applied to all weeks for which you filed and for which you were eligible for the payment of PUA.

Documentation may include but is not limited to:



- IRS form 1040 (schedule CE, or F)
- Business records (bank statements, financial statements)
- Statements signed by an employer
- Paycheck



Please submit your documentation by:

Online – Please submit this proof by uploading your document(s) to your claimant portal at EmployNV.gov. Failure to follow these instructions may result in a delay in the processing of benefits.

Pandemic Unemployment Assistance PUA HANDBOOK - Further information about your rights and responsibilities is available in the PUA handbook. A link to the handbook can be found within the EmployNV PUA weekly claim filing application. The information provided above is intended as a brief description of the requirements under applicable state and federal laws. This information does not have the force of law or regulation.

IMPORTANT NOTICE ABOUT FRAUD

The United States Department of Labor, in UIPL 16-20, provides that the requirements of 20 CFR 625.14 shall apply with respect to PUA overpayments as fraud to the same extent and in the same manner as in the case of DUA. Pursuant to 20 CFR §625.14(i), if a person was overpaid because the person (1) knowingly made, or caused another to make a false statement or misrepresentation of a material fact, or (2) knowingly failed, or caused another to fail, to disclose a material fact, pertaining to an initial application for DUA, the person is disqualified from the receipt of any DUA with respect to that major disaster. If the false statement, misrepresentation, or nondisclosure pertains to a week for which application for payment of DUA is made, the individual shall be disqualified from the receipt of DUA for that week and the first two compensable weeks in the Disaster Assistance Period immediately following that week, with respect to which the individual is otherwise entitled to a payment of DUA.



EXHIBIT 3

Claimant Summary for Weeks
3/21/2020 and 6/6/2020

EXHIBIT 3

Menu

Directory of Services

My Resources

Quick Menu

Job Search

Résumé Builder

My Portfolio

Services for Individuals

Employer Services

Career Services

Job Seeker Services

Education Services

Labor Market Services

Community Services and Benefits

Financial Services

Unemployment Services

Veteran Services

Youth Services

Senior Services

Disability Services

Workplace Training

Staff Provided Services

Online Services

Starting Saturday (5/16): In order to file your initial PUA claim, new users please click the File a PUA Claim button. For Employ/NV registered users, sign-in, click Unemployment Services from the left menu, and then File a Claim. The PUA Weekly Claims filing functionality is now accessible.

HomeMy DashboardSign OutServices for IndividualsServices for Employers

Quick Search

Claimant Summary

Claimant Name:Ralph Wincoon

Claimant SSN:

Claimant Address:

Program Code:

Benefit Year Start Date:3/15/2020

Benefit Year End Date:12/26/2020

Application ID:

Eligibility Review Date:4/19/2020

Payment Summary

Week End Date:03/21/2020

Claim Filed Date:05/24/2020

Payment Issue Date:

Maximum Benefit Amount:

Weekly Benefit Amount:

Earnings Claimed:

Adjusted Base Pay Amount: \$0.00

Total Deductions: \$0.00

Payment Amount: \$0.00

Prevent Payment: No

Payment Type: Active Issues

Waiting Week: No

My Portfolio

DUA-UI

3/15/2020

12/26/

4/19/2020

Labor Market Services

06/06/2020

06/07/2020

11

1

1001

\$0.00

50.00

50.00

QND

CN

[Starting Saturday \(5/16\): In order to file your initial PUA claim, new users please click the File a PUA Claim button. For EmployNV registered users, sign-in, click Unemployment Services from the left menu, and then File a Claim. The PUA Weekly Claims filing functionality is now accessible.](#)

[R  sum   Builder](#)

[My Portfolio](#)

[Services for Individuals](#)

[Employer Services](#)

[Career Services](#)

[Job Seeker Services](#)

[Education Services](#)

[Labor Market Services](#)

[Community Services and Benefits](#)

[Financial Services](#)

[Unemployment Services](#)

[Veteran Services](#)

[Youth Services](#)

[Senior Services](#)

[Disability Services](#)

[Workplace Training](#)

[Staff Provided Services](#)

[Other Services](#)

Weekly Certifications Review

Below are the weeks for which you have completed certifications to continue your unemployment benefits.

#	Week Ending	Certification Filing Date	Benefit Pay Date	Payment Number	Benefit Amount	Federal Withholding	Payment Amount
12	06/06/2020	6/7/2020 12:34:04 PM	In Progress	N/A		\$0.00	\$0.00
11	05/30/2020	5/31/2020 9:05:12 AM	In Progress	N/A		\$0.00	\$0.00
10	05/23/2020	5/24/2020 2:31:00 PM	In Progress	N/A		\$0.00	\$0.00
9	05/16/2020	5/24/2020 2:28:17 PM	In Progress	N/A		\$0.00	\$0.00
8	05/09/2020	5/24/2020 2:25:49 PM	In Progress	N/A		\$0.00	\$0.00
7	05/02/2020	5/24/2020 2:23:26 PM	In Progress	N/A		\$0.00	\$0.00
6	04/25/2020	5/24/2020 2:21:00 PM	In Progress	N/A		\$0.00	\$0.00
5	04/18/2020	5/24/2020 2:18:18 PM	In Progress	N/A		\$0.00	\$0.00
4	04/11/2020	5/24/2020 2:15:57 PM	In Progress	N/A		\$0.00	\$0.00
3	04/04/2020	5/24/2020 2:13:00 PM	In Progress	N/A		\$0.00	\$0.00
2	03/28/2020	5/24/2020 1:45:53 PM	In Progress	N/A		\$0.00	\$0.00
1	03/21/2020	5/24/2020 1:35:20 PM	In Progress	N/A		\$0.00	\$0.00