The United States District Court District of Colorado 901 19th St, Denver, CO 80294 | (303) 844-3433 Plaintiff: Joshua Abrams v. Defendant(s): Division of Unemployment Insurance, et al	**FILED** **UNITED STATES DISTRICT COURT** **DENVER, COLORADO** *8:38 am, Aug 29, 2025* **JEFFREY P. COLWELL, CLERK** ▲COURT USE ONLY▲
Joshua Abrams, Pro Se | abramslive@gmail.com 720-910-4829 P.O. Box 761 Loveland CO 80539	Case Number: 1:24-cv-03390 Division: Courtroom
Supplemental Notice Against Dismissal and in support Emergency Injunctions	

Plaintiff respectfully submits this supplemental memorandum in opposition to Defendant's Motion to Dismiss, presenting newly discovered evidence, Exhibits A and B that directly undermines Defendant's assertions and bolsters Plaintiff's claims of reckless disregard, negligence, retaliation, and constitutional violations under 42 U.S.C. § 1983.

1. Exhibit A, comprising four pages of correspondence from Defendant, explicitly acknowledges Plaintiff's out-of-state wages from North Carolina but improperly disqualifies them from inclusion in the alternative base period calculation, without any basis in Colorado law, federal regulations under the Interstate Arrangement for Combining Employment and Wages, or established administrative procedures.

2. This disqualification was not only unsupported, contrary to Colorado's statutory mandate to consider all applicable wages within the relevant base period, including out-of-state earnings but also appears retaliatory and negligently executed, as subsequent 2023 phone calls with Defendant's managers confirmed the wages were improperly calculated, entitling Plaintiff to

back pay that was never disbursed. Defendant's deliberate withholding of these phone call transcripts from discovery further evidence a pattern of fraud and bad faith, aimed at undermining Plaintiff's economic stability and access to due process, in violation of the Fourteenth Amendment.

3. Moreover, Exhibit A reveals Defendant's coercive tactics in funneling Plaintiff into preselected appeal pathways, denying the right to contest the disqualification or underpayment directly and instead compelling an appeal solely to withdraw the application entirely a remedy Plaintiff expressly opposed. This manipulation constitutes a clear due process violation, as it deprived Plaintiff of meaningful administrative remedies and coerced abandonment of valid claims, all while misrepresenting that resubmission in a different quarter was the only avenue to utilize the out-of-state wages, a position now demonstrably false under applicable law.

4. Such actions reflect not mere error but reckless disregard for Plaintiff's rights, exacerbating the harm through prolonged denial of benefits and forcing unnecessary procedural hurdles.Finally, Exhibit B, a Notice dated March 31, 2023, conclusively refutes Defendant's core defense that Plaintiff failed to exhaust administrative remedies, as it states the appeal was cancelled following issuance of a reconsideration decision indicating that remedies were pursued and resolved within the agency.

5. Defendant's failure to disclose this document despite its possession in agency records, amounts to deliberate concealment and supports Plaintiff's allegations of fraud upon the Court.

6. In further support of Plaintiff's opposition to Defendant's Motion to Dismiss, Plaintiff concurrently files additional exhibits and a Motion to Supplement the Complaint, which detail Defendant's bad faith conduct and an alleged illegal kickback and skimming scheme involving

third-party financial institutions. Specifically, these submissions reveal how Defendant systematically funnels claimants into using the U.S. Bank ReliaCarda prepaid debit card laden with outrageous fees for transactions such as out-of-network ATM withdrawals, balance inquiries, and international use by rejecting valid direct deposit requests without justification, often citing unverifiable bank accounts even for established financial institutions.

7. This coercive practice forces claimants, including Plaintiff, to accept the ReliaCard under duress, with threats of claim denials, processing delays, or outright benefit withholding if they do not comply, thereby enriching U.S. Bank through fee revenue while Defendant benefits from undisclosed contractual incentives or reduced administrative costs. Such tactics prioritize profits over claimants' rights, constituting reckless disregard and negligence, and potentially violating federal laws against unfair trade practices and due process under the multiple constitutional protections, as they exploit vulnerable unemployed individuals for financial gain.

In Conclusion, Plaintiff respectfully implores this Honorable Court to consider the compelling evidence submitted in Exhibits A and B, alongside the concurrently filed exhibits and Motion to Supplement the Complaint, which collectively expose the frivolous and reckless nature of Defendant’s Motion to Dismiss. Exhibit B, a Notice dated March 31, 2023, unequivocally confirms that Plaintiff exhausted administrative remedies through a reconsideration decision, directly refuting Defendant’s baseless claim of non-exhaustion and rendering their motion meritless. Exhibit A further demonstrates Defendant’s bad faith in improperly disqualifying Plaintiff’s North Carolina wages without legal basis, coercing Plaintiff into unfavorable appeal options, and withholding critical evidence, such as 2023 phone call transcripts admitting miscalculations and owed back pay.

The Court must also consider Plaintiff's dire circumstances, as outlined in prior notices of impending evictions, which Defendant and the Court have unilaterally ignored. For over two years, entering a third, Plaintiff has been wrongfully denied timely and full disbursement of unemployment benefits, a right critical to economic stability. This prolonged deprivation has precipitated predictable financial collapse, necessitating immediate relief. Plaintiff therefore urges the Court to deny Defendant's Motion to Dismiss, permit the case to proceed to discovery and trial, and grant an emergency injunction to compel the prompt release of all owed benefits, including back pay, to avert further irreparable harm and restore Plaintiff's rightful economic protections under federal and Colorado law.

Respectfully submitted,

Joshua Abrams

Date: 08-28-2025 | ❑Petitioner/Plaintiff

Joshua Abrams, Pro Se

CERTIFICATE OF SERVICE

I certify that on 08-28-2025 a true and accurate copy of the Defendant was served on the other party by: X_E-filed, lauren.davison@coag.gov & Stephen.woolsey@coag.gov

Exhibit A

Division of Unemployment Insurance
P.O. Box 8988
Denver, CO 80201-8988

COLORADO
Department of Labor and Employment

Go online: coloradoui.gov
Call: 1-800-388-5515
Fax: 303-318-9248

Forwarding Service Requested

Joshua M. Abrams
c/o JOSHUA ABRAMS
1182 Akron St
Aurora, CO 80010-3051

April 5, 2023

Issue Identification Number: 0022 3807 86-01
Correspondence ID: 73119708
Appeal Due Date: 4/25/2023

Appeal Rights:

Any party to this decision may disagree with (appeal) it. To appeal, please fill out the request for hearing at the end of the document. This decision is final unless we receive a written appeal no later than 20 calendar days from the mail date.

Notice of Determination

Reasoning and Findings

Your request to cancel your valid initial claim is denied. You failed to make this request within twelve calendar days of the date on which your claim was filed.

Applicable Section of Law

Colorado Employment Security Act: 8-74-101 (1) and Regulation 2.1.11.1

Effect of this Determination

Your claim for Unemployment Insurance Benefits will not be withdrawn.

You have 2 other outstanding issue(s) that may affect your eligibility for benefits.

Issue ID:0022 2938 32-01, Temporary Agency - Temporary Agency
Issue ID:0022 2938 05-01, Temporary Agency - Temporary Agency

Login to your account at www.coloradoui.gov to check the status of the other issue(s).
If you have any questions, please contact the Customer Service Center at 1-800-388-5515, Monday through Friday from 8:00 a.m. to 4:00 p.m. You can also access claims information online by logging in to your Unemployment Insurance Claims System account at www.coloradoui.gov, Sunday through Saturday from 2:00 a.m. to 11:59 p.m. Please have your issue or Claimant identification number available when you call.

IMPORTANTE: Este documento afecta su elegibilidad para recibir beneficios de Seguro de Desempleo. Si usted no entiende este documento, llame inmediatamente a la línea de servicio al cliente del Departamento de Trabajo y Empleo de Colorado al 1-800-388-5515.

Division of Unemployment Insurance
P.O. Box 400
Denver, CO 80201-0400

COLORADO
Department of Labor and Employment

Go online: coloradoui.gov
Call: 1-800-388-5515
Fax: 303-318-9014

Forwarding Service Requested

Joshua M. Abrams
c/o JOSHUA ABRAMS
1182 Akron St
Aurora, CO 80010-3051

Date Sent: March 30, 2023
Date Received: March 30, 2023
Claimant ID: 22683759

UNEMPLOYMENT CLAIM QUESTIONNAIRE: INFORMATION NEEDED

IMPORTANT! The following information is needed to determine if you can be paid unemployment benefits. **Complete and submit this questionnaire no later than 4/6/2023 4:00:00 PM Mountain Time**. If returned by mail, we must receive your response no later than 4/6/2023 4:00:00 PM Mountain Time. If you do not respond by the due date, we will issue a decision based on the available information. It is critical that you understand this document. If you need help understanding or with the translation of this document, call 1-800-388-5515. If a question does not apply, state that in your answer. There is room at the bottom to add more information, if necessary.

¡IMPORTANTE! Necesitamos que responda todas las preguntas incluidas en este cuestionario. La información solicitada es necesaria para determinar si se le pagaran beneficios de desempleo. **Este cuestionario se necesita completar y regresar antes de 4/6/2023 4:00:00 PM hora de la montaña**. Si regresa el cuestionario por correo, se necesita recibir antes de 4/6/2023 4:00:00 PM hora de la montaña. Si no responde antes de la fecha indicada, se tomará una decisión con la información disponible. Es critico que usted entienda la información incluida en este documento. Si necesita ayuda para entender o con la traducción de este documento, llame al 1-800-388- 5515. Si una pregunta no aplica, indiqué eso en su respuesta. En la parte de abajo del documento se encuentra un espacio para que agregar más información si es necesario.

Section 1

You have requested the withdrawal of a previously filed claim.

1. On what date did you file the claim? 3/5/2023 *
2. What is the reason for your request to withdraw this claim? Explain in detail.

The claimant filed a claim in NC effective 7/10/2022. The expiration date of the NC claim is 7/8/2023. Since the NC claim isn't expired, the claimant isn't technically eligible to file another claim in NC until 7/9/2023. As a result, he was eligible to apply for the alternate base period on the 3/5/2023 Colorado claim. The alternate base period was applied, however, the claimant was unaware that out of state wages cannot be added to an alt base period claim. Now that he understands that he cannot add out of state wages to the alt base Colorado claim, he would like to *

withdraw it and file a claim effective 4/2/2023. Doing this will allow him to file a claim in the regular base period and pull in the out of state wages.

Section 2

If you wish to provide any additional information about this issue, provide below.

609-968-9360

Name and title of the person completing this request:

UI Deputy *

Telephone number of the person completing this request: 6099689360

If you would like to be contacted by email, please provide your email address:

abramslive@gmail.com

☑ I certify that the above information is true and correct; I understand that the law provides penalties for false information.*

IMPORTANTE: Este documento afecta su elegibilidad para recibir beneficios de Seguro de Desempleo. Si usted no entiende este documento, llame inmediatamente a la linea de servicio al cliente del Departamento de Trabajo y Empleo de Colorado al 1-800-388-5515.

Home › Eligibility Issues › Fact Finding Summary

Name: **Abrams, Joshua M.** Claimant ID: **22683759**
Effective Date: **3/5/2023** Benefit Year End: **3/2/2024**

Issue Fact Finding Summary

Filter: All

Fact Finding Documents: Received

Actions		From	Employer Name	Method	Conta Type
-- Select an Action --	View	Claimant		Online	Electr

Fact Finding Documents: Outstanding

No records found...

Notes

View	From	Brief Description
◉	[redacted]	For Your Review
◉	[redacted]	CL would like to withdraw this claim and file a new claim effect
◉	[redacted]	CL wants to add NC wages from Qs 2 and 3 of 2022 to his Co base period was applied to claim 2023-01 (effective 3/5/2023) claim effective in April 2023, the base period will shift and mak allow him to add the out of state wages from NC to the claim.
◉	[redacted]	Working
◉	[redacted]	Claim effective date 3/5/2023: Withdrawal request denied. The days of the filing date.

Upload File

If you have an attachment to upload, choose the file by selecting the 'Browse' |

NOTICE OF RECONSIDERATION

Exhibit B

Colorado Department of Labor and Employment
Division of Unemployment Insurance, Appeals Section
P.O. Box 8988, Denver, CO 80201-8988
303-318-9299 or 1-800-405-2338 Fax 303-318-9248

Social Security:	XXX-XX-0558
Docket ID:	10116-2023
BYB Date	3/5/2023
Dep Decision:	3/13/2023
Date of Appeal:	3/24/2023
Appellant:	Claimant

0202000014

Claimant ID: 22683759
Issue ID: 22289233

CLAIMANT
JOSHUA ABRAMS
JOSHUA ABRAMS
1182 AKRON ST
AURORA CO 80010-3051

EMPLOYER / INTERESTED PARTY
DIVISION OF UNEMPLOYMENT INSURANCE
CUSTOMER SERVICE CENTER
CUSTOMER SERVICE CENTER
251 E 12TH AVE
DENVER, CO 80203-2202

Section 8-74-105 C.R.S. RECONSIDERATIONS. The deputy, hearing officer, or industrial claims appeals office may, on his or its own motion, reconsider a decision within a twelve-month period subsequent to the date of decision when it appears that an apparent procedural or substantive error has occurred in connection therewith. Notification of a decision on reconsideration and the reasons therefor shall be promptly given to all interested parties. In the event that an appeal involving an original decision is pending as of the date on which a decision as a result of reconsideration is issued by the Division, such appeal shall be considered void. Any interested party who is dissatisfied by a decision that is issued as a result of reconsideration may appeal that decision in the manner set forth in Section 8-74-106, C.R.S.

THIS APPEAL HAS BEEN CANCELED AS A RECONSIDERED DECISION HAS BEEN ISSUED

IMPORTANT: This document(s) contains important information about your unemployment compensation rights, responsibilities and/or benefits. It is critical that you understand the information in this document. If needed, call (303) 318-9299; 1-800-405-2338 for assistance understanding the information in the document(s) you have received.

¡IMPORTANTE! Este documento(s) contiene información importante sobre sus derechos, obligaciones y/o beneficios de compensación por desempleo. Es muy importante que usted entienda la información contenida en este documento. Si necesita asistencia para traducir y entender la información contenida en el documento(s) que recibió, llame al 303-318-9333; 1-866-422-0402.

This appeal is hereby dismissed and a reconsidered decision will be issued. Properly mailed to all parties named herein.

MAILED: 3/31/2023
HEARING OFFICER:

CCs:

DIVISION OF UNEMPLOYMENT INSURANCE
CUSTOMER SERVICE CENTER
CUSTOMER SERVICE CENTER
251 E 12TH AVE
DENVER, CO 80203-2202

Plaintiff submits this filing together with his Motion for Leave and the attached Supplemental Complaint, which explain these matters in full. Plaintiff further incorporates these materials for use in connection with his Supplemental Notice. Exhibits A and B referenced here relate specifically to the Supplemental Complaint and should not be confused with Exhibits A and B previously attached to the Supplemental Notice.

On March 15, 2025, Plaintiff called Defendant's designated line at 303-318-9000, enduring a 20-minute hold before connecting with an agent identified as Ed. The call, spanning 50 minutes, is documented in Exhibit A, an audio recording titled "*Exhibit_A_Call_03-2025.m4a,*" and Exhibit B, a certified transcript titled "*Exhibit_B_Call_Transcript.txt*."

Representative Ed: *"Well, you may have selected direct deposit, but because our banking institution third-party validating service could not verify it … I'm verifying that you have now the debit card because that's how it's being directed to you at this point."*

Plaintiff Joshua Abrams: *"No, this is the first I've heard of it. That's not what I selected … I never got any notification that there was an issue with my bank."*

Representative Ed: "*… if you're not able to use the banking institution that you're trying to utilize we ask you to use a different banking institution or the U.S. Bank ReliaCard … That's the only way you can actually get the claim filed."*

Plaintiff Joshua Abrams: *"I never selected a ReliaCard. I do not at any point want a ReliaCard and I have other institutions that I'd like to reattempt to select direct deposit to."*

Representative Ed: "*… You would have either had to request that it would be a banking institution that could be validated by our third-party validation system or use a U.S. Bank ReliaCard … You can't move forward when processing the claim unless you have banking information that can be validated … It appears that you chose the U.S. Bank ReliaCard. And I'm just validating that that is the case."*

These excerpts show Defendant's representative misrepresenting Plaintiff's lawful direct deposit election, falsely claiming that his bank account could not be verified, and coercing him into

ReliaCard enrollment by insisting that it was "the only way you can actually get the claim filed." Plaintiff explicitly denied ever selecting or agreeing to ReliaCard, yet the representative persisted, falsely stating that he "chose" the card and that the claim could not proceed without it. This conduct is unlawful because it conditions access to a federally funded program on the acceptance of a fee-bearing financial product, restricts benefits through deception, and denies meaningful access to claimants with disabilities who cannot navigate Defendant's inaccessible telephone-only system to contest such misrepresentations.

Defendant's egregious practices, coupled with its intentional suppression of critical call recordings and policies electronically stored information subject to Federal Rule of Civil Procedure 37reveal a calculated pattern of systemic fraud, coercion, and deliberate indifference to Plaintiff's federally protected rights under Title II of the ADA and Section 504 of the Rehabilitation Act. Defendant's own admissions in its answer confirm it tracked Plaintiff's numerous calls, demonstrating its possession of and access to detailed records of those interactions, including the content exchanged. Yet, Defendant willfully withheld these recordings, strategically concealing evidence of its misrepresentations and coercive tactics, such as forcing Plaintiff into the fee-laden U.S. Bank ReliaCard under false pretenses. This deliberate concealment not only obstructs justice by defrauding this Court and depriving Plaintiff of vital evidence but also perpetuates a predatory campaign to skim benefits from vulnerable claimants through exorbitant fees, likely amassing thousands, if not millions, of dollars in illicit gains at the expense of the unemployed. Should the Court find intentional spoliation of these records, Plaintiff requests sanctions, including an adverse inference, under Fed. R. Civ. P. 37(e).