

## **Sample Letter: Termination after Updated Social Security Number**

You may wish to use the sample letter on the next page if you are a worker in California and you were fired after you gave your employer a new Social Security Number. For example, you may have provided your employer with a number when you began working and, afterwards, when you obtained a new number, your employer fired you because you tried to update your information with the new number.

Legal Aid at Work cannot ensure the information in this sample letter is current, or be responsible for any use it is put to. It is always best to consult with an attorney about your particular situation to determine your rights and the best steps to take when you think your rights may have been violated. If you would like to speak to someone, you can contact our [workers' rights clinics](#). You can also review our fact sheet on [updating your social security number with your employer](#).

### **IMMIGRANT WORKERS**

It is illegal for employers to retaliate against any worker because she asserts her workplace rights—for example, by contacting federal immigration authorities. Unfortunately, this type of retaliation does happen, and it can have serious consequences for immigrant workers. If you lack legal status or work authorization in the United States, you should consult with an immigration attorney about the risks employer retaliation could entail for you.

[DATE]

[EMPLOYER'S NAME]

[EMPLOYER'S ADDRESS]

Dear [Name]:

You terminated me on [date fired] after I attempted to update my Social Security Number ("SSN") with [name]. You informed me that I had been terminated [give reason your employer gave you for firing you. For example, "because my new SSN did not match the SSN I provided as part of my initial employment application"]. I am writing to request that you reinstate me to my prior position.

There are many possible reasons why someone has the right to update her SSN. For example, according to the Social Security Administration, one can obtain a new SSN if similar numbers assigned to members of the same family are causing confusion, more than one person has been assigned the same number, or an individual has a cultural or religious objection to their SSN. See Social Security Administration, "Can I Change My Social Security number?" available at <https://faq.ssa.gov/link/portal/34011/34019/Article/3789/Can-I-change-my-Social-Security-number>.

Moreover, the federal government has a specific procedure for how this is done for purposes of the I-9 Form. See USCIS Employer Handbook at p. 24, available at <http://www.uscis.gov/files/form/m-274.pdf>. Additionally, the Internal Revenue Service allows employees to complete a new Form W-4 each year and when her personal or financial situation changes.

In any case, you had no legal obligation to terminate me, and your doing so may violate state and federal law. California Labor Code Section 1024.6 makes it unlawful for an employer to fire, discriminate, retaliate, or take any adverse action against an employee because he or she updates his or her personal information. Moreover, my termination might violate the anti-discrimination provisions of the Immigration Reform and Control Act of 1986 or Title VII of the Civil Rights Act of 1964, which prohibit employers from treating employees differently on the basis of national origin.

Based on the above and on my [years or months] of continued employment, I request that you reinstate me to my former position.

Sincerely,

[YOUR NAME]