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Title 22@ Social Security

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Division 1@ Employment Development Department

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Subdivision 1@ Director of Employment Development

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Division 1@ Unemployment and Disability Compensation

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Part 1@ Unemployment Compensation

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Chapter 5@ UNEMPLOYMENT COMPENSATION BENEFITS

## 1326-5 Reopened Claim for Unemployment Benefits -Filing

Article 3@ FILING, DETERMINATION, AND PAYMENT OF UNEMPLOYMENT COMPENSATION BENEFIT CLAIMS

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Section 1326-5@ Reopened Claim for Unemployment Benefit Filing and Contents

### (a)

"Reopened claim" means an application which certifies to the beginning date of a period of unemployment: (1) Which falls within a previously established benefit year, extended duration period, or extended benefit period, and (2) Which follows any of the following: (A) A period of one or more weeks for which the claimant failed to file a continued claim or partial claim and during which the claimant did not perform services in employment. (B) A period of one or more weeks for which the claimant was ineligible for benefits for a definite period and for which continued claims or partial claims were filed, unless with respect to any week during such period, the claimant was ineligible for benefits pursuant to Section 1252 of the code or pursuant to Section 1279 of the code due to excessive earnings from services performed in employment that week. If the latter condition is met, an additional claim would be filed following the end of the period of ineligibility. (See Section 1326-4 of these regulations.)

### (1)

Which falls within a previously established benefit year, extended duration period, or extended benefit period, and

### (2)

Which follows any of the following: (A) A period of one or more weeks for which the

claimant failed to file a continued claim or partial claim and during which the claimant did not perform services in employment. (B) A period of one or more weeks for which the claimant was ineligible for benefits for a definite period and for which continued claims or partial claims were filed, unless with respect to any week during such period, the claimant was ineligible for benefits pursuant to Section 1252 of the code or pursuant to Section 1279 of the code due to excessive earnings from services performed in employment that week. If the latter condition is met, an additional claim would be filed following the end of the period of ineligibility. (See Section 1326-4 of these regulations.)

**(A)**

A period of one or more weeks for which the claimant failed to file a continued claim or partial claim and during which the claimant did not perform services in employment.

**(B)**

A period of one or more weeks for which the claimant was ineligible for benefits for a definite period and for which continued claims or partial claims were filed, unless with respect to any week during such period, the claimant was ineligible for benefits pursuant to Section 1252 of the code or pursuant to Section 1279 of the code due to excessive earnings from services performed in employment that week. If the latter condition is met, an additional claim would be filed following the end of the period of ineligibility. (See Section 1326-4 of these regulations.)

**(b)**

If a claimant who is unemployed wishes to resume or continue claiming benefits, and the conditions specified in subdivision (a) of this section are satisfied, a reopened claim shall be filed, except as provided in subdivision (c) of this section. The claimant shall file the reopened claim by contacting a department field or branch office. In filing the reopened claim the claimant shall, to the extent

required by the department, set forth the information specified in subdivision (b) of Section 1326-2 of these regulations.

**(c)**

Notwithstanding the provisions of subdivision (b) of this section, a reopened claim may not be filed by a claimant who is: (1) Under a disqualification for a fixed period pursuant to subdivision (b) of section 1257 or 1261 of the code, unless he or she has appealed the disqualification pursuant to subdivision (a) of section 1257 of the code. (2) Ineligible for benefits for an indefinite period pursuant to subdivision (a), (b) or (c) of section 1253 of the code or section 1253.3, 1253.4, 1255.3, 1255.5, 1256, 1262, or 1264 of the code, unless he or she has appealed the disqualification. (3) Awaiting an eligibility decision by the department on a prior claim filed in the same benefit year or extended benefit period.

**(1)**

Under a disqualification for a fixed period pursuant to subdivision (b) of section 1257 or 1261 of the code, unless he or she has appealed the disqualification pursuant to subdivision (a) of section 1257 of the code.

**(2)**

Ineligible for benefits for an indefinite period pursuant to subdivision (a), (b) or (c) of section 1253 of the code or section 1253.3, 1253.4, 1255.3, 1255.5, 1256, 1262, or 1264 of the code, unless he or she has appealed the disqualification.

**(3)**

Awaiting an eligibility decision by the department on a prior claim filed in the same benefit year or extended benefit period.

**(d)**

If the claimant had a change of address during the benefit year of any regular claim or extended benefit claim, the department may require the claimant to

provide proof of identity in accordance with the provisions set forth in Section 1326-3 of these regulations.