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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

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

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Section 1326-1@ Benefit Claims -In General

1326-1 Benefit Claims -In General

Any person who has become separated from his or her work, who is working on a part-time basis, or who is a partially unemployed individual may file a claim for benefits. Benefits shall be claimed as prescribed in Sections 1326-2 through 1326-12 of these regulations.

(b)

There are four basic steps in the usual procedures for handling a typical unemployment benefit claim. Sections 1326-2 through 1326-13 of these regulations give detailed definitions and procedures applicable to the several different types of claims and should be referred to for greater detail and exceptions to usual procedures. The usual procedures are as follows: (1) STEP 1. First contact filing of a new claim for unemployment benefits, and benefit rights interview. (A) An individual who becomes unemployed and wishes to claim unemployment benefits is required to contact an Employment Development Department field or branch office, to file a new claim for unemployment insurance benefits. The claimant provides his or her last employer's name and address. The department mails that employer notice of the filing of the claim. The employer responds with any information relating to the claimant's eligibility. When the new claim is filed, the claimant completes an employment history and registers for work. The department interviews the claimant in detail as to the reasons for his or

her unemployment and any other facts which might raise a question of eligibility. The department informs the claimant in writing of his or her benefit rights and duties, gives assistance in filing the new claim, and provides written instructions on his or her responsibility to look for work. (B) If there is no eligibility issue, the claimant is told to file continued claims every two weeks in order to be paid benefits, assuming continued eligibility. (See STEP 2.) The department directs the claimant to report in person to the department field or branch office for an in-depth periodic eligibility review. (See STEP 3.) The review is scheduled two weeks subsequent to the first interview, or at a later date if in the judgment of the department this is warranted by the circumstances relevant to the particular claimant. COMMENTS: Some of the factors the department may consider in determining when a claimant will be required to report in person for an in-depth periodic eligibility review include: the likelihood that eligibility issues will arise, the condition of the labor market, work opportunities for the claimant, the claimant's attachment to the labor market, the seasonal nature of the claimant's work, transportation facilities available to the claimant, and remoteness of claimant's residence from department field offices. (C) If a potential eligibility issue arises and is not readily clarified or removed by the claimant's explanation, the claimant is scheduled for a determination interview. (See STEP 4.) (2) STEP 2. First and continuous biweekly continued claims and payments. In the third week, or as directed by the department, in order to receive credit for the waiting week and to receive payment for the second week, the claimant files by mail, or as directed by the department, a "continued claim" form certifying that he or she meets all eligibility requirements. (See Section 1326-6 of these regulations.) This certification includes whether he or she worked during the weeks for which benefits are claimed, how much pay was earned, if any, that he or she was

physically able to work each day, tried to find work, and whether he or she refused any work. The certification also includes a statement that he or she declares under penalty of perjury that he or she is a U.S. citizen or national; or an alien in satisfactory immigration status and permitted to work by the Immigration and Naturalization Service; and that he or she is aware the law provides penalties for the commission of a misrepresentation of facts to receive benefits, and that he or she is signing the application for benefits after the date for which benefits are claimed. The certification under penalty of perjury completes the procedures for filing a new claim. Under the mail payment system, the claimant mails to the department the continued claim form which he or she has completed. The department reviews the continued claim to determine whether a question of eligibility is raised. If an answer raises a potential eligibility issue, the department requires the claimant to explain that answer. If the claimant is eligible, the department mails a benefit check to the claimant. The same process is completed every two weeks until the claimant is required to report in person, as scheduled, for a periodic eligibility review. (See STEP 3.) (3) STEP 3. Periodic eligibility review in-person reporting for all claimants. The claimant reports in person, as scheduled, to the department for an in-depth interview focusing on the specific efforts the claimant has made to find work and his or her job prospects. That interview is designed to discover any potential eligibility issue. The department reviews all available information. If eligible, the claimant is mailed his or her benefit check and the department again schedules the claimant to report in person to the department for the next periodic eligibility review. This step is repeated throughout the life of the claim. (4) STEP 4. Determinations of eligibility--interviews by telephone or in-person reporting. If at any time during any of STEPS 1 through 3 the department identifies any potential eligibility

question, the claimant is notified that an interview by telephone or in person reporting may be required. The department interviews the claimant in depth on all eligibility issues raised and completes a written determination of the claimant's eligibility or ineligibility.

(1)

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the condition of the labor market, work opportunities for the claimant, the claimant's attachment to the labor market, the seasonal nature of the claimant's work, transportation facilities available to the claimant, and remoteness of claimant's residence from department field offices. (C) If a potential eligibility issue arises and is not readily clarified or removed by the claimant's explanation, the claimant is scheduled for a determination interview. (See STEP 4.)

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If there is no eligibility issue, the claimant is told to file continued claims every two weeks in order to be paid benefits, assuming continued eligibility. (See STEP 2.) The department directs the claimant to report in person to the department field or branch office for an in-depth periodic eligibility review. (See STEP 3.) The review is scheduled two weeks subsequent to the first interview, or at a later date if in the judgment of the department this is warranted by the circumstances relevant to the particular claimant. COMMENTS: Some of the factors the department may consider in determining when a claimant will be required to

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If a potential eligibility issue arises and is not readily clarified or removed by the claimant's explanation, the claimant is scheduled for a determination interview. (See STEP 4.)

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STEP 2. First and continuous biweekly continued claims and payments. In the third week, or as directed by the department, in order to receive credit for the waiting week and to receive payment for the second week, the claimant files by mail, or as directed by the department, a "continued claim" form certifying that he or she meets all eligibility requirements. (See Section 1326-6 of these regulations.) This certification includes whether he or she worked during the weeks for which benefits are claimed, how much pay was earned, if any, that he or she was physically able to work each day, tried to find work, and whether he or she refused any work. The certification also includes a statement that he or she declares under penalty of perjury that he or she is a U.S. citizen or national; or an alien in satisfactory immigration status and permitted to work by the Immigration and Naturalization Service; and that he or she is aware the law provides penalties for the commission of a misrepresentation of facts to receive benefits, and that he or she is signing the application for benefits after the date for which benefits are claimed. The certification under penalty of perjury completes the procedures for filing a new claim. Under the mail payment system, the claimant mails to the department the continued claim form which he or she has completed. The department reviews the continued claim to determine whether a question of eligibility is

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STEP 4. Determinations of eligibility--interviews by telephone or in-person reporting. If at any time during any of STEPS 1 through 3 the department identifies any potential eligibility question, the claimant is notified that an interview by telephone or in person reporting may be required. The department interviews the claimant in depth on all eligibility issues raised and completes a written determination of the claimant's eligibility or ineligibility.