

IDAHO LEGAL AID SERVICES INC.
COVID-19 RESOURCES WEB SITE
APRIL 5, 2020
UNEMPLOYMENT INSURANCE BENEFITS
BASIC INFORMATION

To qualify, a person has to meet both “personal” and “monetary” eligibility requirements.

MONETARY ELIGIBILITY

A person has to be “monetarily eligible.” That means they must have a sufficient amount of qualifying wages in the applicable base period. See 72-13

PERSONAL ELIGIBILITY CONDITIONS

Idaho Code 72-1366

A person also has to meet the “personal eligibility” requirements. The basic principle of eligibility is a person has to be **OUT OF WORK THROUGH NO FAULT OF their OWN**. This generally falls into three categories: laid off due to a lack of work; voluntarily quit with good cause connected with the employment; or discharged but not for misconduct. If your reason for separation is other than lack of work, a written determination regarding your eligibility will be issued to you.

VOLUNTARY QUIT

A person is not eligible if he or she quits without “good cause” that is “connected to the employment.”

The burden of proving “GOOD CAUSE” is on the Claimant.

General Definition of Good Cause

The good cause has to be “connected to the employment.” That generally means the reasons should relate to the wages, hours or working conditions of the job. This could be a change in conditions created by the employer. It could also be a breach of the employment agreement. The reasons have to be “substantial.”

If the condition of employment affect a person’s health adversely or aggravates or worsens a medical condition, there is good cause to quit.

A person is required to take reasonable steps to inform the employer of the circumstances, and seek to remedy the problem before quitting.

DISCHARGED FOR MISCONDUCT

A person can't get benefits if they were "discharged for work-related misconduct." The employer bears the burden of proving misconduct.

The reason for firing must be work related. For example, behavior off the job is normally not a basis for misconduct.

If you are discharged, the employer must prove there was misconduct.

AVAILABLE FOR AND SEEKING WORK

A claimant has to be able to take any offer of suitable work. To be eligible, you must be physically able to work full time. If you cannot work because of a temporary illness, injury or some other physical or mental condition.

Most health problems will not affect your claim as long as you are looking for the type of full-time work you can do. A claimant can be disqualified if she refuses to work due to illness.

A claimant has to be "AVAILABLE FOR WORK." That means he/she has to be ready to go to work. A claimant cannot place unrealistic personal restrictions on such things as the hours he will work, the pay he will accept, the locations they prefer to work and the jobs they will take. A person has to be willing to accept both full-time and part-time work in jobs he/she can do during all the usual hours and days these jobs are done. Limiting shifts, days or distance one is willing to travel to work can make you ineligible.

A claimant has to be ACTIVELY SEEKING WORK. The claimant has to be seeking full-time work each week in accordance with the work-seeking requirements you received when you filed your claim. This applies even if the person is working part time. A person must be willing to accept part-time work while waiting for full-time work to become available.

Actively seeking work means making personal contacts with employers who hire people with a claimant's job skills. If a person cannot find his or her normal kind of work, she must look for any other kind of work she can do. A person is required to expand his or her work search and avoid re-contacting the same employer every week. As a person's period of unemployment lengthens a person's duty to look for another kind of work, accept lower pay or search in other locations for a job increases.

A person is required to keep a personal record of his or her job contacts. This must include the employer name, address, phone number, person contacted, date of contact and the results of the job contact. The DOL may ask you to provide your work-search record (in person or online) to verify your contacts. Keep looking for work as long as you are unemployed.

The Department of Labor may make referrals. If you refuse a referral for "suitable work," you may be denied benefits if you refuse to accept the referral or fail to make contact with the employer.

If a person is attached to a particular job, he or she has to maintain contact with that employer and return as soon as work becomes available. If you have not been required to make work search contacts because you have a date to return to work or you obtain work through a union, you must notify us if these conditions no longer apply.

PREGNANCY

Pregnant claimants are eligible for benefits according to the same rules that apply to all other claimants. If a person is ready, willing and able to work, and is actively searching for full-time work, a pregnancy should have no bearing on one's eligibility for benefits.

EDUCATION OR TRAINING

Attending school or training should not affect eligibility so long as it does not interfere with a person's availability for full-time work

REPORTING

Claimants are required to file weekly reports. A person must be working less than full time, physically and mentally able to work, available for work and actively seeking full-time work. A person must be willing and able to work the days and hours that are normal for the type of work you customarily do.

REFUSING SUITABLE WORK

A claimant can't refuse "suitable" work without good cause. In order to be "suitable" the job has to be a job for which the person is qualified, and which pays the prevailing wage for that kind of work in the locality.

RE-ESTABLISHING ELIGIBILITY

There are some situations where a person is determined ineligible. In these situations a person has to prove they no longer have that status and reestablish their eligibility. For example if you were previously determined to not be physically or mentally capable of employment.

Another situation is where when a person leaves the local labor market. A person has to be ready and available to take a job immediately. A person has to be seeking work. A person can also be terminated from benefits for failing to provide requested information.

A person can also be terminated from the program for providing false information to obtain benefits. This could also result in an overpayment and civil and criminal penalties.

APPEAL RIGHTS

If you are denied benefits you have a right to an administrative hearing before a hearing officer. You must request the hearing within 14 days. The hearing is generally conducted by

phone. The rules of evidence are relaxed. Although hearsay is admissible, it should only be admitted if it's of a type normally relied upon by reasonable people. The decision itself must be based on "substantial" evidence. If the decision is rooted in hearsay then it's not supported by substantial evidence.

If a person is denied by the hearing officer, the claimant has a right to appeal to the Industrial Commission. The Industrial Commission has discretion whether to conduct a new hearing or decide the case on the hearing officer's record.

If you are denied by the Industrial Commission you can appeal the decision to the Idaho Supreme Court.