

Questions & Answers on Unemployment

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I lost my job. **Am I eligible for unemployment?**

Generally, you are entitled to state unemployment insurance (UI) if: you are totally or (in some cases) partially unemployed; you lost your job through no fault of your own; you have earned at least \$4,300 and worked approximately 15 weeks in roughly the prior 15 months; and you are capable of, available for and actively seeking work.

How do I apply?

You can file a claim with the Department of Unemployment Assistance (DUA)'s UI Online at www.mass.gov/lwd/unemployment-insur/claimants, available daily from 5:00 a.m. to 10:00 p.m. To access the UI Online User Guide, enter Claimant User Guide in the search box at the top of the page.

You can also get help filing your claim at the Boston unemployment office or at one of the state's 32 career centers. Go to www.mass.gov/careercenters for a list of career centers and their hours, or call 1-877-US2JOBS. If you go in person, be sure to have your Social Security number, the names and addresses of your employers for the last 15 months and the Social Security numbers of your dependent children. If you are a non-citizen, have your A# handy. If you have earned enough to be eligible for UI, you will be given a Benefit Determination Notice. Make sure it lists all your wages accurately.

How is the decision made?

DUA will contact all your employers from the last 15 months. Your employers during the last eight weeks are "interested parties" and must respond within 10 days. If any employer protests your claim, DUA will contact both you and your employer, and a claims adjuster will make a decision, generally within 30 days.

Is DUA's decision to grant or deny unemployment final?

You have **10 calendar days** to appeal the decision (up to **30** if the delay is for good cause). If your English is limited, you have up to 60 days, or if your appeal was delayed because no information was presented in your primary language there may be no limit. DUA then holds a hearing. If you lose, you have 30 days to appeal at the Board of Review, after which you may appeal in District Court. You may also requalify for UI after eight weeks of work with sufficient earnings. You can request a reconsideration within a year of the most recent decision and/or seek a waiver of any overpayment owed. Being represented greatly increases your chances at DUA hearings, the Board of Review and Court. Call legal aid to see if they can assist you.

How much will my unemployment check be?

You should receive 50% of your average weekly gross earnings, with a maximum amount of \$742 per week. Generally, DUA will calculate your amount based on your two highest quarters of prior earnings. You may also receive an allowance, capped at 50% of your benefit rate, of \$25 per dependent child (including children in your custody pending adoption). Children can be up to 18 years old, 24 for full-time students, or any age if incapable of earning wages due to mental or physical disabilities.

Once the checks start, **do I need to do anything?**

You must certify weekly through UI Online that you are actively seeking work **even if you are initially denied UI**. Do not certify if you are outside the U.S., U.S. territories or Canada. If you had a prior claim, you can use UI Online Services by providing your mother's maiden name to set up a password. You can also certify by calling 617-626-6800 or calling 1-877-626-6800 toll free in area codes 351, 413, 508, 774 or 978. Your call day must correspond to your Social Security number (SSN): Monday if the last digit of your SSN is 0 or 1; Tuesday for 2,3; Wednesday for 4,5,6; Thursday for 7,8,9; and Friday for any last digit. You may also have to go to a career center seminar and keep a worksearch log (download it from www.mass.gov/lwd/docs/dua/worksearch-form-1750-rev-04-02-13-fs.pdf). If you fail to do so, your UI check may be delayed or stopped.

How long will I be able to collect if I can't find a job?

Regular benefits currently last up to 30 weeks, but if your pay fluctuated or you worked less than a year you may receive far less.

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I had to leave work when my childcare fell through. Can I collect?

Leaving work for compelling personal reasons, such as to care for an ill parent or deal with a child care crisis, may not disqualify you. However, you will need to show you took reasonable steps to preserve your job, such as requesting a leave of absence or change of hours, and you can only collect when you are available for work again.

My supervisor swore at me constantly and I finally quit my job to save my sanity. Am I eligible?

Yes, if you can prove that you quit your job for good cause attributable to the employer. But you may need to show that you took reasonable steps to preserve your job, such as first bringing the problem to your employer's attention.

I left my job to get away from my abusive partner. Am I eligible?

Yes, you are eligible for UI if you left or were terminated from a job due to domestic violence against yourself or a dependent child or due to the need to address the physical, psychological and legal effects of domestic violence on you or your family.

I was fired. Am I disqualified from receiving UI?

Only if the employer demonstrates that you were fired for deliberate misconduct in willful disregard of the employer's interest; or a knowing violation of the employer's reasonable and uniformly enforced rule or policy; or conviction of a crime. For the first two reasons, the employer must show that the conduct was intentional and not due to your incompetence and that you knew and intended to do something wrong.

Can I get benefits after completing a job through a temp agency?

Yes, but you must first contact the temp agency to see if they have any more suitable jobs for you (if the employer informed you in writing to do so). Call your legal aid program for help.

I've been working in the U.S. for many years, but I'm not a citizen. Am I eligible for UI?

Non-citizens with work authorization are eligible, including individuals with Temporary Protected Status (TPS), Deferred Enforcement of Departure (DED) and many other immigration statuses. UI receipt will not interfere with obtaining permanent status. If you are denied UI due to immigration status call 617-603-1810.

I am collecting UI and have been offered a part time job. If I accept will I lose my whole UI check?

You must report all earnings, but you can earn up to a third of your weekly benefit rate without reducing your UI check; earnings above this amount are deducted dollar for dollar from the UI check, but this will not reduce the total amount of benefits you can collect. Note that if you later leave your part-time job for a disqualifying reason, deductions will continue to be made from your check.

Can I participate in training while receiving UI and get additional weeks of UI benefits?

Yes, you can participate in training in DUA approved programs if you are permanently separated from your employer, unlikely to get a suitable job with your current skills and need training to get work. DUA approves full-time programs that you can complete in two years for vocational/technical or three years if training includes basic skills or ESOL. You can get up to **26 weeks of extended UI benefits** during training if you apply in the first 20 weeks of a new or approved claim. See www.mass.gov/dua/training. For Pell Grants up to \$5,350 see www.federalstudentaid.ed.gov/opportunity/index.html.

Is UI taxable, and does it count as "earnings" for EITC?

UI is taxable, but it does not count as "earnings" for the Earned Income Tax Credit programs. You can choose to have taxes withheld from your UI check. If you do not withhold, you will be responsible for taxes owed at tax time.

*This information is general in nature and not intended as legal advice. Generally the income eligibility limit for legal aid is 125% of the federal poverty line (\$591 per week for a family of four in 2017), although there are exceptions (e.g. elders). **Because their funding is limited, legal aid programs cannot serve all eligible callers.***

Learn more at www.masslegalhelp.org/