



DEPARTMENT OF UNEMPLOYMENT ASSISTANCE
UI POLICY & PERFORMANCE
INTEROFFICE MEMORANDUM

DATE: April 2, 2015

RESCISSION(s): None

REFERENCE NO.: UIPP 2015.02

TO: All DUA Managers, Job Service Representatives, Compliance Officers,
Wage Processors, Call Center Staff, and Senior Staff Directors.

FROM: Jennifer Lavin, Director, UI Policy and Performance

SUBJECT: Revision to G.L.c.151A, §25(e) – Requalifying Wage Provision

1. **PURPOSE.**

To provide clarification regarding requalifying for benefits after a disqualifying separation.

2. **REFERENCES.**

- G. L. c. 151A, § 25(e)

3. **BACKGROUND.**

An individual who leaves work for a reason that results in disqualification under M.G.L. c.151A, §25(e), is ineligible for a waiting period and benefits until the individual has returned to work for at least eight weeks and earned an amount equal to or in excess of the weekly benefit amount in each of the required eight weeks of work.

As a result of recently passed legislation, M.G.L. c. 151A, §25(e) has been revised to read as follows:

§25

No waiting period shall be allowed and no benefits shall be paid to an individual under this chapter for –

(e) For the period of unemployment next ensuing and until the individual has had at least eight weeks of work and has earned an amount equivalent to or in excess of 8 times the individual's weekly benefit amount after the individual has left work.

4. **ACTION.**

Effective March 24, 2015 individuals with a disqualifying separation (quit, discharge, conviction) will be subject to the revised requalifying wage provision. This revision will apply to claimants who are issued disqualifying determinations or decisions on or after March 24, 2015 as well as claimants who were disqualified any time before March 24, 2015 who have not yet requalified.

Example:

Claimant files a claim and the weekly benefit amount is determined to be \$650 per week. The claimant is issued a determination that disqualifies them from receiving benefits under §25(e)(2) until the claimant has had **8 weeks of work and has earned an amount equivalent to or in excess of 8 times the weekly benefit amount (WBA)**. In this example the claimant would have to return to work for at least 8 weeks and have earned an amount equal to or in excess of 8 times \$650, which is \$5200.

Scenario #1: The claimant has returned to work for eight weeks and has earned an amount greater than \$5200. When the claimant re-opens the claim with an approvable separation from additional employment they have requalified because they have had at least 8 weeks of employment and earned at least 8 times the WBA:

Week #1 earnings: \$525.00

Week #2 earnings: \$575.00

Week #3 earnings: \$587.00

Week #4 earnings: \$612.00

Week #5 earnings: \$635.00

Week #6 earnings: \$667.00

Week #7 earnings: \$698.00

Week #8 earnings: \$1029.00

Total earnings: \$5328.00

Scenario #2: The claimant has returned to work for eight weeks but has not earned an amount that was equal to or greater than eight times the weekly benefit amount, or \$5200.00:

Week #1 earnings: \$250.00

Week #2 earnings: \$175.00

Week #3 earnings: \$150.00

Week #4 earnings: \$100.00

Week #5 earnings: \$275.00

Week #6 earnings: \$300.00

Week #7 earnings: \$150.00

Week #8 earnings: \$250.00

Total earnings: \$1650.00

UI Online will send the claimant a non-appealable determination informing them they have not yet requalified and what is still needed in order to requalify (see attached document). In this scenario the claimant would have to return to work until they were able to earn 8 times the weekly benefit amount. In some instances it may be necessary for the claimant to work much more than 8 weeks before they requalify on the claim.

5. **QUESTIONS.**

If you have any questions please contact the UI Policy & Performance Department at (617) 626-6422.