Tagalog

1. What are Unemployment Insurance (UI) benefits?

   UI benefits provide income to workers who are temporarily unemployed or who work part-time but have very low wages. UI benefits are only paid to workers who meet the eligibility criteria and who have lost work or wages through “no fault of their own.”

2. Who decides who gets UI benefits?

   A state government agency called the Employment Development Department (EDD) makes the initial decision about whether or not a worker is eligible for UI benefits.

3. How much can I receive in UI benefits?

   Your UI benefit amount depends on how much money you earned during a particular period of time known as the “base period” (defined below). The minimum UI benefit amount is $40 per week, and the maximum UI benefit amount is $450 per week. For more information on base period and your weekly benefit amount, see our Fact Sheet Unemployment Insurance Eligibility Requirements: Past Earnings/Weekly Benefit Amount.

   UI benefits may be received for a maximum 26 weeks in any given 12-month period. There are only two ways of extending UI benefits beyond the 26-week maximum. One is by Federal or State declaration of an overall economic emergency. The other is by participation in the California Training Benefits (CTB) program, which must be approved by the EDD. Contact the EDD for more information about whether extensions are possible in your situation.

4. What is the Base Period and what impact does it have?

   The base period is a specific 12-month period beginning about 15 months before the date that you file your UI claim. To determine the base period for your claim, use the following table:

If you filed your claim in:	...the Base Period is the 12-month period ending the previous:
January, February, March	September 30
April, May, June	December 31
July, August, September	March 31
October, November, December	June 30

   For example, if you filed your claim for UI benefits on September 15, your base period would be April 1 of the previous year through March 31 of the current year.

   The EDD uses the three-month “quarter” in your base period in which you were paid the greatest amount of total wages; this is known as your “highest earning quarter.” The EDD uses this quarter to determine your eligibility and the amount of money you may receive. The EDD will send you a document called a “Notice of Unemployment Insurance Award” shortly after you first contact them to file a claim. This Notice of Unemployment Insurance Award shows how much the EDD believes you earned in each quarter of your base period; it also indicates how much your weekly benefit amount will be if the EDD determines that you are otherwise eligible. Note: the Notice of Unemployment Insurance Award is not a guarantee that you will begin receiving payments. For more information on base period and the earnings requirement, see our Fact Sheet Unemployment Insurance Eligibility Requirements: Past Earnings/Weekly Benefit Amount.

5.

How do I apply for UI benefits?

You must file a claim with the EDD. Your claim may only be filed by telephone or by going to the EDD's website, where you can complete an online application or print out a paper application to mail or fax to the EDD. To find the EDD phone number for your area, check the State Government pages of your local phone directory or call an operator for directory assistance. Your call will be routed to an EDD Call Center in California. During the first call you will be expected to give only general information about your circumstances.

6.

What happens next in the claim-filing process?

The EDD decides your eligibility based on information given by you and your former employer. Usually, the EDD first receives written information from your former employer in response to a written request by the EDD. The EDD looks at this written information, as well as information obtained in telephone interviews the EDD has separately with you and your former employer.

These telephone determination interview are usually scheduled within 2 weeks filing your UI. In this interview, the EDD representative will ask detailed questions about how and why your job ended. The EDD representative will also ask if you are able to work, available for work and actively seeking work. Be prepared to answer these kinds of questions accurately and in detail.

Also within 2 weeks of filing your UI claim, the EDD will send you "Continued Claim Forms" that you have to submit every 2 weeks to show you remain qualified to receive UI benefits.

7.

How will I know if I am eligible for UI benefits?

If the EDD determines that you are eligible for UI benefits, you will begin receiving UI benefit checks. However if the EDD determines that you are not eligible for UI benefits, the EDD will send you a "Notice of Determination." The Notice of Determination will tell you why you were denied UI benefits and how to appeal the decision.

Important: If you are denied and decide to pursue an appeal, you should nevertheless continue to submit your Continued Claim Forms every 2 weeks, even though you will not be paid UI benefits unless you succeed in your appeal. If you are not receiving the forms while your claim is being appealed, contact the EDD immediately and request forms.

8.

How do I know if I'm eligible for UI benefits?

To be eligible you must meet all of the following requirements:

Work Authorization

You must be able to legally work in the United States. Undocumented immigrants cannot receive UI benefits.

Sufficient Base Period Earnings

You must have earned sufficient earnings in the base period (the base period is described above). To have sufficient earnings, you must have *one* of the following:

- earned at least $1300 during the three-month quarter where you earned the most wages (your highest earning quarter); or
- earned $900 in the three-month quarter where you earned the most wages (your highest earning quarter) and the total amount earned in the entire base period year is at least 1.25 times amount earned in that highest quarter.

For more information on base period and the earnings requirement, see our Fact Sheet Unemployment Insurance Eligibility Requirements: Past Earnings/Weekly Benefit Amount.

Fully or Partially Unemployed

You must be unemployed for over one week or working less than full time with income not exceeding what would be your weekly benefit amount.

Able to Work

You must be physically and mentally able to work, with or without accommodation. A temporary disability that prevents you from working will result in a temporary ineligibility. However, you may be eligible instead for temporary disability benefits through the State Disability Insurance (SDI) program, also run by the EDD. For more information on being able to work, see our Fact Sheet Unemployment Insurance Eligibility Requirements: Ability to Work.

Available for Work

You must be immediately available to accept work that you have no good reason to refuse. A temporary situation that prevents you from immediately being available to accept work—for example, lack of childcare, attendance at school or unapproved training, travel plans—will result in a temporary ineligibility. For more information on availability, see our Fact Sheet Unemployment Insurance Eligibility Requirements: Availability for Work.

Actively Seeking Suitable Work

You must conduct an active work search for work that suits your skills and experience. A good rule of thumb is to submit at least 3 job applications a week—and be sure to keep track of your job search efforts.

Report to the EDD

You must continue to report to the EDD about your unemployment status and job search through the bi-weekly Continued Claim Forms. You must also attend an Initial Assistance Workshop and register for work at an EDD Job Service Office if requested to do so.

No-Fault Separation from Most Recent Employment

Your most recent employment must have ended through no fault of yours. A no-fault separation would be one of the following :

- End of contract period;
- Sale or dissolution of business;
- Lay-off for lack of work;
- Discharge for reasons other than work-connected “misconduct”;
- Voluntary quit with “good cause.”

9.

What is a "lay-off for lack of work?"

The term “lay-off” has a specific meaning that is very important to understand when filing for UI benefits. A “lay-off” is always and only a situation where the job ends because there is no more work to be done or because your employer’s business is bad and it is cutting its staff. A lay-off is different than a “discharge,” which is when an employer refuses to allow an employee to continue on the job. It is also different than a “quit,” which is where an employee chooses not to continue working on the job even though there is work to be done. You should not describe how you left your last job as a “lay-off” if actually you were “discharged” or “quit,” because you might then have to repay UI benefits wrongfully received, as well as pay an extra 30% monetary penalty and be disqualified for 2-15 weeks from future UI benefits.

10.

What is work-connected misconduct?

“Work-connected misconduct” is when you knowingly fail to do an important part of your job or knowingly violate an important employment policy, in way that might be harmful to your employer’s business interests. Theft, arson, and violence (if not strictly in self-defense) are always misconduct, but misconduct can also be found in less serious offenses like repeated acts of negligence, breaking a “reasonable” employer rule (usually more than once), excessive tardiness without notice or good reason, or failure to notify the employer of an absence without a good reason. For more information on misconduct, see our Fact Sheet Unemployment Insurance: Eligibility after Being Fired from a Job.

11.

What is good cause for a voluntary quit?

"Good cause" is a real and substantial reason that would make a reasonable person—who truly wants to keep his or her job—feel forced to quit. For example, a reasonable fear for your health of safety, relocating to keep the family unit together, abusive and oppressive working conditions, might all be considered good cause reason to leave your employment. On the other hand, quitting because of personality conflicts with supervisors or coworkers, a reduction in scheduled work hours, or in response to a reprimand or disciplinary action is not likely to be considered a good cause quit. For more information on good cause, see our Fact Sheet Unemployment Insurance: Eligibility after Quitting a Job.

12.

What do I do if the EDD says I'm ineligible for UI benefits?

If the EDD denies your UI claim, you can appeal. You must file your appeal within 20 calendar days of the date the EDD mailed you the Notice of Determination. All you need to do to file an appeal is complete the appeal form or write a brief letter saying: "I disagree with your decision. I believe I am entitled to benefits. II wish to appeal." Within 6-12 weeks you should be scheduled for an appeal hearing.

13.

What if I miss the appeal deadline?

You may still appeal, but you will have to show at the hearing that you had "good cause" to be late. If you are not able to prove that you had a good reason for missing the deadline you will not be allowed to continue with the appeal process. Good cause for filing a late appeal can be mistake, inadvertence, surprise, or excusable neglect. A good example is if you were in the hospital during the time your appeal was due. It is often very difficult to convince a judge you have good cause for missing the deadline, so you should try to meet the deadline if at all possible.

14.

What will happen at the appeal hearing?

At the hearing, you will have an opportunity to explain your story to an Administrative Law Judge (ALJ) who works for the California Unemployment Insurance Appeals Board (CUIAB). Your former employer may be at the hearing as well. The ALJ will ask questions of both you and your former employer, and you and your former employer will have the opportunity to ask questions of each other. Be sure to bring any documents and witnesses you think will support your side of the story. This is your only chance to tell your story, so it is important that you bring everything you need to prove your case. It is also important that everything you bring goes "into the record." The record is a cassette tape of the hearing plus all the documents the ALJ collects and lists as exhibits. This testimony and these exhibits will be what the ALJ uses to make the decision. You will receive the ALJ's written decision in the mail, usually within 2 weeks of the hearing date.

In some cases, you can "appear" at the hearing by phone, but you have to request this before the hearing and give the CUIAB a good reason you cannot show up in-person. It is normally better to appear in person rather than over the phone.

15.

What if I miss the appeal hearing?

You may "petition for reopening" by writing a letter to request another hearing and explain why you missed the date, but you have to show at the hearing that you had "good cause" to miss the date. If you are not able to prove that you had a good reason for missing the hearing you will not be allowed to continue with the appeal process. Good cause for missing a hearing date can be mistake, inadvertence, surprise, or excusable neglect. A good example would be if you did not receive the hearing notice, or had a flat tire on the way to the hearing. It is often very difficult to convince a judge you have good cause for missing the hearing, so you should try to go to your hearing if at all possible.

16.

Can I appeal the ALJ's decision?

You may appeal the ALJ's decision by writing a letter to the CUIAB headquarters in Sacramento. This appeal procedure will be described in

the information that comes with the ALJ's hearing decision. You should be aware that only approximately 10% of appeals to Sacramento are successful, so it is important to have your best case presented at the hearing. You have 20 days from the date the decision was mailed to appeal, but that deadline may be extended if you can prove you had good cause to appeal late (see above).

Your letter can either explain why you feel the ALJ was wrong, or it can request the record first with a promise to explain why the ALJ was wrong after receiving the record (the record is a tape recording or written transcript of the hearing and a copy of all the documents the ALJ used to make the decision). If you request the record, you will have 12 days from the mailng of the record to submit your written argument.

Getting a copy of the record is a good idea because the only evidence that the Sacramento office will consider is the evidence that has been admitted on the record. It is good to refresh your memory of what was said and left unsaid at the hearing before writing your arguments. If you forgot to mention something important at the hearing, it normally is too late to add that information. However, if the ALJ ignored or refused to accept evidence you presented at hearing you can point to the record to support your argument that it should have been included and would have helped the ALJ come to the right conclusion.

The CUIAB in Sacramento will mail you a written decision, after reviewing the record and reading your letter. The whole CUIAB appeals process usually takes 1-4 months.

17.

Can I appeal the decision of the CUIAB in Sacramento?

The only way to appeal the decision of the CUIAB in Sacramento is to write a Writ to the state Superior Court. This generally requires an attorney and can be rather expensive. Your deadline to file this writ is 6 months from when the CUIAB in Sacramento mails you its final decision.

For further information about your employment rights, contact the Workers' Rights Clinic.

Disclaimer

This Fact Sheet is intended to provide accurate, general information regarding legal rights relating to employment in California. Yet because laws and legal procedures are subject to frequent change and differing interpretations, the Legal Aid Society–Employment Law Center cannot ensure the information in this Fact Sheet is current nor be responsible for any use to which it is put. Do not rely on this information without consulting an attorney or the appropriate agency about your rights in your particular situation.