

# **ARE YOU GETTING UNEMPLOYMENT BENEFITS?**

## **IF NOT, WHY NOT?**

We all know that many jobs have been lost in Georgia. **People who are laid off due to “lack of work” or “downsizing” should get benefits without a problem.** But did you know that over 60% of people who apply for unemployment benefits in Georgia while they look for work **do not receive them?**

### **WHY?**

#### **1. Because of not enough earnings in “base period.”**

Some people who file claims for unemployment benefits (“claimants”) will not have enough earnings in the “base period” to qualify. The Department of Labor (DOL) generally figures out the amount of benefits by looking at the earnings in the first four of the last five completed calendar quarters, not counting the quarter in which the claim is made. Then, if the claimant does not qualify for benefits, the DOL will look at the most recent quarter’s wages. That is the only situation in which the most recent wages are counted. If the person still does not qualify, he or she may be able to qualify at the beginning of the next quarter.

**TIP: If you have not yet filed for benefits, it may be better to wait until the beginning of the next calendar quarter (April 1, July 1, October 1, January 1) to apply. In many situations, the weekly benefit amount will be much larger if the most recent quarter’s earnings are counted. Ask about this before applying for benefits.**

**2. Claim is denied because employer says you were fired for misconduct or that you quit your job without good cause related to your job.**

A DOL claims examiner makes the first decision of the agency, after looking at the claim and the employer's response and speaking with the parties by phone. The claims examiner issues a "**claim determination.**" **This decision can be appealed.** Many claimants read the claim determination and make the mistake of believing that it cannot be changed and that "the agency must be right about this." However, some employers may try to avoid higher unemployment taxes by contesting claims for benefits. They may claim that you were fired for misconduct, rather than because the company needed to lay off workers. **A hearing officer can hear all of the facts, but not unless you file an appeal!**

**TIP: APPEAL!** Do not accept the Department of Labor's **first** decision as its **final** decision on the claim. **Read the DOL brochure about Appeals carefully. While you are appealing, keep reporting each week through OLIVOR.** If you win your appeal, you will only be paid for the weeks you reported.

**You must appeal within 15 days of the date the decision is released or issued. Go to the DOL Career Center and request an appeal form, or write a letter to the Appeals Tribunal. Do not miss the deadline or your claim will be over!** You have the right to request an **in-person hearing** instead of a telephone hearing. You can have a **legal representative** in your hearing. You can get subpoenas for a witness or for an employer's documents. If your English is limited and you need an **interpreter**, the DOL has to provide one. If you lose your hearing, you can appeal again to the Board of Review. But make sure to appeal within 15 days of the hearing officer's decision.

Visit [www.legalaid-ga.org](http://www.legalaid-ga.org) for more information.

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