

Indiana Legal Services, Inc

Using the law to fight poverty, empower clients, and improve access to justice.

www.indianalegalservices.org

General Information About Unemployment Insurance/ Compensation

What is unemployment compensation?

Unemployment compensation is a state program that gives weekly cash to certain people who are unemployed.

Who can get unemployment?

You can get unemployment if you meet all of the following conditions:

- It is not your fault that you are out of work.
- You have worked enough in the recent past to be eligible for unemployment.
- You apply for unemployment at your local unemployment office.
- You are physically and mentally able to work.
- You are actively looking for a job, and give proof to the unemployment office that you are looking for a job.

Can I get unemployment if I quit my job?

Yes, if you quit your job for a good reason. You will have to show that you had a good reason to quit AND the reason had something to do with the job. If you quit your job because your car broke down and you could not get to work, you are not eligible for unemployment. That is a personal reason for quitting, not a job-related reason. Some examples of good job-related reasons to quit your job are:

- a significant change in work conditions;
- bad work conditions such as harassment; or
- a medical condition verified by your doctor that keeps you from doing your current job and your employer has no other jobs for you.

Can I get unemployment if I was fired?

Yes, if your employer did not have “just cause” to fire you. If you did not do anything wrong, you

can get unemployment even if you were fired. However, if your employer had “just cause” to fire you, you would not get unemployment. Here are some examples that show when the employer **could** have “just cause” to fire you (so you would not get unemployment):

- You were fired because you came to work under the influence of drugs or alcohol.
- You were fired for unsatisfactory attendance.
- You were fired for damaging the employer’s property or for doing something that put you or other workers in danger.
- You were fired for violating work rules that are reasonable and uniformly enforced.
- You were fired for being jailed after conviction of a crime.
- You were fired for lying on your job application.

The employer will have to prove she had just cause to fire you. It is certainly worth trying to get unemployment even if you are fired.

What if my employer says I quit, but I say I was fired?

If you and the employer don't agree on whether you quit or were fired, then the ALJ will have to first decide that issue. It is generally easier for you to get unemployment compensation if you were fired, so you should not agree that you quit if you really think you were fired.

What if I am sick and cannot work?

To be eligible for unemployment, you must be able to work. If you are so sick that you cannot work at any job, then you are not eligible for unemployment. (You should apply for Social Security Disability). However, if you could work some jobs, you can be eligible for unemployment if you are looking for a job that you can do.

What if I find a job that I don't want?

You must be willing to accept “suitable work” if it is offered to you. To be suitable, the work must be something that you can do, the pay must be reasonable and appropriate to the work, and the work must be within a reasonable distance from your home. When you fill out the forms applying for unemployment benefits, be sure to include any reasonable restrictions on your ability to accept job offers. If you can't work nights, or don't have a car and need a job that is on a bus line, list those restrictions.

If you refuse a job that would count as “suitable work,” you could stop getting unemployment compensation benefits.

What happens after I apply for unemployment?

An unemployment office deputy will decide whether you should receive benefits. If you disagree with the deputy's decision, you can appeal and ask for a hearing before an Administrative Law Judge (ALJ). Your former employer also has this right. There are strict time limits for requesting a hearing, so pay attention to the dates and appeal right away if you want to appeal.

What happens at an unemployment hearing?

At the hearing, you and the employer can tell the judge what happened. You both can bring witnesses and evidence to prove your side. The judge will then decide if you are eligible for unemployment. If you lose the hearing, you can appeal to the Review Board. However, the Review Board does not usually have a new hearing. The Review Board just looks at the record of the unemployment hearing you already had. So it is important to bring all your evidence to the unemployment hearing before the ALJ.

Do I need an attorney at the hearing?

You can represent yourself, but an attorney can be very helpful at an unemployment hearing. If you cannot get a private attorney, you can contact Indiana Legal Services or another legal services provider to request legal help.

How much money will I receive if I get unemployment?

The amount of your weekly check depends on the highest wages you were paid in your recent work history. The more money you earned, the higher your weekly benefits. However, the most you can get is currently \$348.00 per week.

How long will I receive benefits if I am eligible?

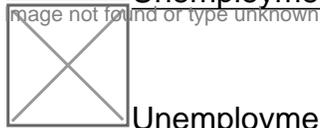
You can receive benefits for up to 6 months; sometimes benefits can be extended for 3 more months. Your benefits will stop before this time limit when you get a job or if you refuse a suitable job or if you stop looking for work.

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