UNEMPLOYMENT COMPENSATION

Workers who become unemployed through no fault of their own are generally eligible to receive unemployment compensation benefits. The amount of benefits is based on your past employment and earnings in past employment (base period). Benefits may continue for as long as 26 weeks if you remain unemployed despite an active work search, or even longer during periods of high unemployment when extensions are triggered.

Who Is Eligible For Unemployment Compensation?
To be eligible for unemployment compensation, you must:

1. Have earned sufficient wages during your base period;
2. Register for work;
3. Be available for work and physically able to work;
4. Conduct an adequate work search every week;
5. File weekly claims; and
6. Not be disqualified.

What Amount of Wages Must I Earn to Qualify for Benefits?
In order to qualify to receive unemployment compensation benefits, you must earn sufficient wages during the “base period.” The base period is the first four of the last five completed calendar quarters before you file your initial claim application. If you do not qualify for benefits using this base period, the unemployment office will use an “alternate base period” which is the four most recent completed quarters. Your total wages for the all four quarters in the base period must be at least 35 times the “weekly benefit rate” to qualify for benefits. The “weekly benefit rate” is 4% of the wages you earned during the base period quarter in which you were paid the highest wages. In 2016, the lowest weekly benefit rate is $54, requiring high quarter earnings of $1,350. The highest weekly benefit rate is $370. To get this, you must have had earnings of at least $9,250 in the highest earnings quarter in your base period.

To figure out if you might qualify for benefits, list the last five completed quarters before you file. Each quarter is a three month-long period:

Q1 = January 1 - March 31
Q2 = April 1 - June 30
Q3 = July 1 - September 30
Q4 = October 1 - December 31

Looking at your base period, find the quarter in which you made the highest wages. Next, take 4% of the wages for that quarter to get your weekly benefit rate. Then, add up all wages you earned in the
entire base period and divide that number by your weekly benefit rate. If the number you get is 35 or higher, then you should be eligible to receive benefits.

**How Can A Person Be Disqualified?**
Some of the most common reasons you can be disqualified are:

1. You quit your job without good cause. You will not be eligible for unemployment compensation unless you work again and earn at least 6 times your weekly benefit rate. Quitting does not disqualify you if you quit for good cause attributable to the employer (it is not your fault), or if you are unable to do the work because of a physical disability or because of the health of a family member.

2. You are fired for misconduct such as falsification of employer documents, violating workplace rules, and other behavior or actions that are harmful to the employer. Misconduct can include absences and tardiness.

3. You are fired for “substantial fault,” which means something that you did or didn’t do and over which you had reasonable control if it violates reasonable employer requirements. It does not include inadvertent errors, or inability to perform the work because of insufficient skill, ability or equipment, or minor rule violations unless you have been warned and repeat the rule violation.

4. You refuse to work without good cause. You are not eligible to receive benefits if you refuse an offer of employment or refuse to return to work, unless there is a good reason for your refusal. Good cause includes physical inability to do the work, work that pays a significantly lower wage rate or involves significantly lower skills than your recent job, the job pays substantially less than is paid for similar work in your community, or if the position is vacant due to a labor dispute.

5. You fail to do an acceptable work search. You must look for work each week unless the unemployment office clearly tells you that your work search requirement has been waived. If it is not waived, you must apply for at least 4 jobs each week.

**How Do You Apply For Unemployment Compensation?**
Unemployment claims may be filed on line or on the telephone:

On line applications: https://dwd.wisconsin.gov/uiben/apply_online.htm
Telephone applications: 414-438-7700 or 608-232-0678
TYY: 888-393-8914

When you call, you will need your Social Security number, your Wisconsin Driver’s License number (if you have one), a list of all employers you worked for in the last 18 months (including their full addresses, telephone numbers, and the dates you worked for them), and a personal identification number (PIN) of your choice. *Choose a PIN that you will remember, because it is the number that is used to identify you.*

Remember, your claim begins the week that you apply. There is a one week waiting period before benefits are paid. To avoid losing any benefits, apply during the week you lose your employment!
What Happens After You Apply?
You will receive a claim confirmation in the mail. The unemployment office may call you for a telephone interview before deciding whether you qualify for benefits. If you do not qualify for benefits, the office will send you a notice telling you why you do not qualify. If you qualify for benefits, the unemployment office will send you a notice telling you the amount of benefits you can receive. **You must make a benefit claim for every week for which you want benefits. The claim has to be made within 14 days of the end of the week for which you are claiming benefits.**
You may file your weekly claim by calling 800-822-5246 (TYY: 888-393-8914) or online at: [http://dwd.wi.gov/ClaimsOnline](http://dwd.wi.gov/ClaimsOnline).

What Happens If An Employer Challenges Your Claim?
When you file a claim for benefits, the unemployment office sends your former employers a notice that you have applied for benefits and asks the employers whether there is any reason to disqualify you. If a former employer challenges your claim, the unemployment office will contact the employer to get a statement. This conversation will be recorded in a memo. The office will then contact you and give you an opportunity to present your side of the story. Your statement will be recorded in a memo. If you are interviewed in person, you will be asked to sign a written statement. Before you sign, be sure to READ THE STATEMENT CAREFULLY. Your statement, whether made in person or on the telephone, can be used against you, so make sure that you provide complete and accurate information.

After the fact-finding contacts, the unemployment office makes its decision, called an Initial Determination. You will receive a copy of the Initial Determination in the mail.

How Is The Initial Determination Appealed?
If the Initial Determination is against you, you can request a hearing. The request must be in writing and must be received by the hearing office within 14 days after the determination. The appeal date and the address of the hearing office will be on the copy of the determination that is mailed to you. You may also appeal online at [http://dwd.wisconsin.gov/uibola/onlineappeal.htm](http://dwd.wisconsin.gov/uibola/onlineappeal.htm).

The employer can also request a hearing if the determination is in your favor. You will continue to receive benefits until the hearing; however, if you lose the hearing you will be required to repay any benefits you have received.

What Happens At The Hearing?
The hearing is conducted by an administrative law judge. During the hearing, each side will have the opportunity to present witness testimony and other evidence. The administrative law judge may ask questions of any witness, and each side may question the other side’s witnesses. After the hearing, the administrative law judge issues a written decision called an Appeal Tribunal Decision. The hearing office can tell you more about the general hearing procedures but cannot help you prepare your case or give you advice about your case. If you wish to have an attorney represent you, you must arrange for an attorney yourself.

How Is The Appeal Tribunal (Hearing) Decision Appealed?
Either side can appeal the decision. The appeal must be submitted in writing by mail, fax or hand delivery to the Labor and Industry Review Commission (LIRC), P.O. Box 8126, Madison, WI 53708, or filed online at [www.dwd.state.wi.us/lirc/petition](http://www.dwd.state.wi.us/lirc/petition) within 21 days. LIRC will decide the appeal. You have the option to make a written statement to LIRC, but you do not appear in front of the Commission and no new evidence can be presented. If you won the Appeal Tribunal decision, you will continue to
receive benefits while the appeal is being decided as long as you keep making your weekly claims. However, if LIRC decides against you on appeal, you will have to repay any benefits you received.

YOU SHOULD CONTINUE TO MAKE YOUR WEEKLY BENEFIT CLAIMS DURING ANY APPEAL, WHETHER THE APPEAL IS BY YOU OR BY THE EMPLOYER

How Do I Find An Attorney?
Some attorneys will take an unemployment compensation case for no initial fee. They will not collect any payment from you if you lose. However, if you win, they will collect an agreed upon percentage of any amount you receive. By law, attorneys may charge up to 10% of the total amount of benefits you are entitled to. You can try to negotiate a lower percentage with the attorney. If an attorney wishes to charge more than 10%, he or she must have your consent to seek approval from the Commission to do so. You may obtain the name of an attorney by calling the State Bar Lawyer Referral Service at (608) 257-4666 or (800) 362-3904.

In Dane County, you can call United Way of Dane County First Call For Help at (608)246-4357, or call dialing 2-1-1 from any local phone to schedule an appointment with the Unemployment Compensation Appeals Clinic. The Clinic is a volunteer organization staffed by law students and supervising attorneys that provides free legal assistance.

The above is intended to provide general information only and is not a substitute for thorough and specific advice on an individual case. Depending on the complexity of your legal problem, you may need to consult an attorney for advice or representation.

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