

What is Unemployment Compensation?

Unemployment Compensation (“UC”) is a form of insurance both workers and their employers pay through payroll deductions. UC is designed to financially assist workers who lose their jobs through no fault of their own. **Even if you are fired from your job, you may be able to collect UC benefits under certain circumstances.**

You are eligible to receive Unemployment Compensation if:

- You were fired from your job through **no fault of your own; or**
- You were laid off from work because no work was available; **or**
- You were forced to quit your job because of a **compelling and necessitous reason**. Examples of compelling and necessitous reasons are: you were being harassed by a co-worker or supervisor, childcare was no longer available to you, a medical condition that your employer was aware of prevented you from performing your job. Even transportation difficulties can, on occasion, constitute a compelling and necessitous reason to quit a job.

The start date of your Unemployment Compensation may be delayed if you receive any severance pay that exceeds \$17,853.

Other requirements:

- You must be **able and available to work** at another job that is suitable considering your skills; and
- You must have worked for an employer that paid UC taxes; **and**
- You must have earned enough money during your employment to qualify for UC.

You are not eligible for Unemployment Compensation if:

- You voluntarily quit your job, without a compelling and necessitous reason; or
- You were fired because of willful misconduct. **Willful misconduct means more than being frequently late or absent with an excuse or making a mistake at work or even not being very good at your job.** To establish willful misconduct your employer must show you intentionally disobeyed a work rule or assignment or were insubordinate; **or**
- You refused suitable work; **or**
- You were incarcerated; **or**
- You are participating in a strike.

You will not be eligible for Unemployment Compensation if:

- You fail to register with *CareerLink* and post a resume to *CareerLink* within 30 days of your application for benefits; or
- You fail to apply for positions that offer work and wages similar to your prior job and which are within a 45 minute commute from your home.

How do I apply for Unemployment Compensation Benefits?

You must file an application with the UC Service Center. You can reach the UC Service Center by calling 1-888-313-7284 between 7:00 am and 4:45 pm Monday through Friday or online anytime at **www.dli.state.pa.us**

Once your application is processed, the UC Service Center will interview you and your former employer to determine if you are eligible for UC benefits. The Service Center will then send you a “Notice of Determination” telling you whether you will receive UC benefits.

If you are denied, you can appeal the denial within 15 days from the date of the notice.

How do I appeal a Notice of Determination?

To appeal, complete the “Petition for Appeal” form mailed to you with the Notice of Determination. The Petition for Appeal form

is easy to complete and under the heading “Reason for Appeal” you need only state: **I disagree with the decision of the Service Center.** Once you complete and sign the Petition for Appeal form take it to your local Career Link Office for filing. To find the office nearest you, call 1-888-313-7284. Make sure when you file your appeal, you ask for a receipt. You can file your Petition for Appeal by mail. However, when sending your appeal by mail make certain you have the correct address for the UC Service Center that issued the determination and send the appeal certified mail return receipt requested or with a Postal Service Form 3817, Certificate of Mailing.

You may also email your appeal or fax it. The information to do this will be on the Notice of Determination. However, you are responsible for making sure that the appeal is received.

Remember, you have only **15 days from the date the notice was mailed to you** – not the date you received it - to appeal the decision. This date is on the Notice of Determination. If you file your appeal late, your appeal will not be considered. If you get more than one decision about UC benefits, you must appeal each decision separately. Please note: if you are awarded benefits your former employer also has the right to appeal the notice of determination.

What happens after an appeal is filed?

After an appeal is filed you will have a hearing before a Referee who will decide if the decision of the Service Center was correct. The date, time and location of your hearing

will be sent to you on a “Notice of Hearing.” **Do not be late for the hearing.** If you are, the hearing will start without you and you may lose the opportunity to explain why you are entitled to UC benefits.

The Referee’s hearing is your only chance to present testimony and witnesses and documents on your behalf and ask questions of your former employer.

At the Referee’s hearing you are permitted to have legal representation. If you would like to have your hearing postponed so that you have time to secure the services of an attorney, send a written request by fax to the Referee requesting a “continuance” (which just means you are asking for the hearing to be rescheduled) so you can obtain representation. If your request for a continuance is denied, go to the hearing anyway. When the Referee asks if you understand your rights tell the Referee you asked for a continuance to get legal representation, but your request was denied and you would like a continuance now.

Remember

The law often changes. Each case is different. This document is meant to give you general information and not to give you specific legal advice.



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The Basics of Unemployment Compensation In Pennsylvania

Serving the following Counties:

Cameron, Crawford, Elk, Erie, Forest,
McKean, Mercer, Potter, Venango,
and Warren

For Services Call Northwestern Legal Services

(800) 665-6957

In Erie Area (814) 452-6957

Or Apply Online at WWW.NWLS.ORG