

Chapter 192-120 WAC

CLAIMANT NOTICES

WAC

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WAC 192-120-001 Information for claimants. (1)

The department will provide you with information necessary for filing your weekly claims for benefits.

(2) The department will provide assistance to any person who needs help in filing claims.

(3) You will be responsible for following written information provided by the department for the duration of your claim, and will be presumed to understand the information unless you ask for help in understanding it.

[Statutory Authority: RCW 50.20.010 and 50.12.040. 99-08-073, § 192-120-001, filed 4/5/99, effective 5/6/99.]

WAC 192-120-010 Claimant information booklet.

(1) The department will publish an information for claimants booklet, form number EMS 8139, to provide basic information on the laws, rules and procedures about claims for unemployment insurance benefits. Single copies of the booklet will be available to the public at no charge.

(2) Each person who files an application for benefits will be mailed a copy of the most recent version of the information for claimants booklet.

(3) Each person who is mailed a copy of the information booklet will be responsible for filing claims in accordance with its instructions.

(4) A replacement booklet will be mailed to any person who requests one.

(5) Each person who is mailed a booklet is responsible for reporting and filing claims according to the information in the booklet for the duration of the claim unless other specific information is given to the person in writing.

(6) The department will assist any person who may have difficulty understanding the booklet.

(7) If you fail to ask for help in understanding the booklet, you will be presumed to understand its contents and held responsible for any failure to act as directed by the booklet.

[Statutory Authority: RCW 50.20.010 and 50.12.040. 99-08-073, § 192-120-010, filed 4/5/99, effective 5/6/99.]

WAC 192-120-020 Presentation of benefit rights. (1)

When you file an application for benefits, the department will give you a presentation of benefit rights. At a minimum, the presentation of benefit rights will include information regarding:

(a) Your statement of wages and hours (monetary determination);

(12/9/04)

(b) Instructions on filing weekly claims;

(c) Reemployment services; and

(d) How eligibility questions are adjudicated.

(2) You will be responsible for filing claims and providing information as directed in the presentation of benefit rights unless other written instructions are given to you after the presentation of benefit rights.

(3) If there is a conflict between written and spoken information given to you, the written information will apply.

[Statutory Authority: RCW 50.20.010 and 50.12.040. 99-08-073, § 192-120-020, filed 4/5/99, effective 5/6/99.]

WAC 192-120-030 Will I be told if my eligibility for benefits is questioned? Whenever we have a question regarding whether you (the claimant) are eligible for benefits, we will give you adequate notice before making a decision. "Adequate notice" means we will tell you:

(1) Why we question your eligibility for benefits;

(2) That you have the right to a fact-finding interview about your eligibility for benefits and that the interview will be conducted by telephone except:

(a) When you specifically ask to be interviewed in person, or

(b) In unusual circumstances where we decide an in-person interview is necessary;

(3) That you can have someone, including an attorney, assist you at the interview;

(4) That you can have witnesses on your behalf, provide evidence, and cross-examine other witnesses or parties;

(5) That, prior to the interview, you may ask for copies of any records or documents we have that we will consider in making a decision about your eligibility for benefits;

(6) The date by which you must reply to the notice (which will be no earlier than reasonable mailing time plus five working days); and

(7) That if you do not respond to the written notice by the date shown, your benefits may be denied and you may have to repay any benefits already paid to you.

[Statutory Authority: RCW 50.20.010 and 50.12.040. 99-08-073, § 192-120-030, filed 4/5/99, effective 5/6/99.]

WAC 192-120-035 How will adequate notice be provided? (1) A written notice will be mailed to your most recent address in our files; or

(2) When you file your weekly claim for benefits by telephone, you will receive a verbal notice. If you do not reply by the last working day of the week in which your claim was filed, a written notice will be mailed to you. The date by which you must reply to this written notice will be no earlier than reasonable mailing time plus five working days, starting from the date your weekly claim for benefits was filed.

[Statutory Authority: RCW 50.20.010 and 50.12.040. 99-08-073, § 192-120-035, filed 4/5/99, effective 5/6/99.]

WAC 192-120-040 Will I be interviewed before a decision about my eligibility is made? Before any decision is made regarding your eligibility for benefits, you will be given an opportunity to be heard. "Opportunity to be heard" is an offer to hold a fact-finding interview to resolve our questions about your (the claimant's) eligibility for benefits.

(1) At the interview, before you are asked to answer any questions, we will tell you all the facts we have that we will consider in making a decision.

(2) We will not use any facts received after the interview to make our decision unless:

(a) We tell you about the new information, and

(b) Give you the chance to respond to the new information.

[Statutory Authority: RCW 50.20.010 and 50.12.040. 99-08-073, § 192-120-040, filed 4/5/99, effective 5/6/99.]

WAC 192-120-050 Conditional payment of benefits.

(1) If you are a continued claim recipient and your eligibility for benefits is questioned by the department, you will be conditionally paid benefits without delay for any week(s) for which you file a claim for benefits, until and unless you have been provided adequate notice and an opportunity to be heard.

(2) Conditional payments will not be made under the conditions described in WAC 192-140-200 and 192-140-210.

[Statutory Authority: RCW 50.12.010, 50.12.040, 50.12.042. 05-01-076, § 192-120-050, filed 12/9/04, effective 1/9/05.]