

31-222-13. Benefit claim procedure

- a. **Definitions.** For purposes of this section the following definitions shall apply:
1. "Good faith error" means the excusable failure of an individual to file a claim, either initial or continuing, in the manner prescribed by the administrator, due to the individual's own negligence, provided there is (a) no prior history of late filing due to such error, (b) the claim is not excessively late, and (c) there is no prejudice to any adverse party.
 2. "Invalidation" means (a) the withdrawal of an otherwise valid initiating claim within twenty-one days from the date on which the monetary determination is issued, (b) the exercising by the administrator of his discretion to reopen a claim under section 31-243 of the Connecticut General Statutes, or (c) the withdrawal of a valid initiating claim in favor of an initiating claim with a later effective date at any time during the six month period following the issuance of the monetary determination.
 3. "Valid initiating claim" means a claim filed by an unemployed or partially unemployed individual who meets the requirements of subdivision (1) and (3) of subsection (a) of section 31-235 of the Connecticut General Statutes, provided that, with respect to any week of unemployment or partial unemployment, the individual is not found to be entitled to unemployment compensation under any other state's law or compensation for temporary disability under any workers' compensation law for the same period.
- b. **Where made.** All claims for benefits, unless otherwise directed or authorized, shall be made by telephone to designated Unemployment Insurance Call Centers. The telephone numbers for the Call Centers and instructions for filing an initial claim for benefits shall be contained in the employee information packet, which will be given to the individual upon separation. Individuals making inquiry regarding claim filing shall be directed to the appropriate Call Center telephone number.
- c. (1) **When made.** Initiating claim. A week of unemployment shall be a calendar week commencing at midnight on Sunday. An initiating claim shall be filed during the week of unemployment with respect to which it is filed and shall be effective as of the commencement of the week within which it is filed, except where, pursuant to the provisions of section 31-229 of the Connecticut General Statutes, an individual's partial earnings in any week exceed his weekly benefit entitlement with respect to such week, the claim shall be effective as of the commencement of the following week. An initiating claim for partial unemployment shall be filed within four weeks from the end of the calendar week in which the individual's hours were reduced to less than full time and shall be effective as of the commencement of the week of the individual's partial unemployment.
1. **Continuing claims.** A continuing claim for benefits shall be filed in such manner as prescribed in subsection (d) of this section. A continuing claim for partial benefits shall be filed in the same manner as a claim for total unemployment, except that it shall be effective as of the commencement of the week of the individual's partial unemployment.

2. **Vacation shutdown claim.** An initiating claim and up to six weeks of continuing claims may be filed where an individual has been laid off due to lack of work for six weeks or less, including during the employer's designated vacation shutdown period, by using the form prescribed under subsection (4) of section 31-222-9 of the Regulations of Connecticut State Agencies, provided the individual has a definite date to return to work within the six week period.
3. **Failure to file claim within time limit.** Failure to file a claim for benefits, either initial or continuing, within the time limits set forth in this section and in the manner prescribed in subsection (d) of this section, may be found to be for good cause if the administrator determines that a person exercising reasonable prudence in the same circumstances would have been prevented from timely filing. Reasons constituting good cause for failure to timely file a claim include, but are not limited to:
 - A. failure of the employment security division to discharge its responsibilities, (B) failure of the employer to comply with verification or other requirements relating to unemployment, including failure to issue the unemployment notice and employee information packet, (C) coercion or intimidation which prevented the prompt filing of a claim, or (D) good faith error, provided the individual acted with due diligence in the filing of the claim once he was appropriately notified of his rights to benefits or once the reason which provided good cause for his failure to file ceased to exist.
4. **Invalidation of initiating claim.** Upon the individual's request, subject to the provisions of sections 31-241 and 31-243 of the Connecticut General Statutes, the administrator may invalidate a valid initiating claim provided the individual has first repaid in full any amount of benefits which the individual will be overpaid as a result of the invalidation unless the overpaid benefits can immediately be recouped in full from subsequent payable benefits. Overpayments resulting from an individual's request for invalidation of a valid initiating claim shall not be deemed to have occurred through error and shall not, therefore, be subject to the provisions of section 31-273(a) of the Connecticut General Statutes.

d. **How made.**

1. **Initiating claim - by telephone**

The individual shall call one of the designated Call Center telephone numbers obtained from the employee information packet during days and hours designated by the administrator and, once connected to the Interactive Voice Response (IVR) Systems, will be prompted to enter his social security number and establish a personal identification number (PIN). The individual's Social Security Number and PIN shall be the individual's legal identifiers and must be established. The IVR will then present the individual with a series of questions. Upon completion of the IVR questions, or at a time designated by the IVR systems, the individual shall be transferred to an agency representative located in the Call Center, who will complete the claims taking process. The claim is considered filed when a Call Center

representative informs the individual that the claim is completed and has been accepted. If the individual fails to complete the claim within seven days of its initiation, the claim must be reinstated and the effective date of the claim will change to the Sunday of the week in which the claim is completed.

2. Initiating claim - in person

When so directed or authorized by the administrator, an initial claim may be filed in person at a Department of Labor local office most easily accessible to the individual's residence. The administrator may direct or authorize an individual to file in person when the administrator determines that it would be administratively more efficient, considering such factors as language barriers; lack of access to a telephone, the complexity of the claim, or the individual's mental or physical disability or inability to complete a claim using the telephone system.

3. Initiating claim - shutdown

When an individual is laid off due to lack of work for six weeks or less, including during the employer's vacation shutdown period, and has been given a definite return-to-work date within the six-week period; the employer shall provide the individual with a vacation shutdown claim form (form UC-62V). The claim shall be filed by transmitting the form UC-62V to the address designated by the administrator, unless otherwise instructed. When a new claim is filed during the vacation shutdown claim form (form UC-62V), the individual shall not be required to file weekly continuing claims.

4. Continuing claim - by telephone

All continuing claims for benefits, unless otherwise directed, shall be made by telephone on a weekly basis to designated Unemployment Insurance Call Center telephone numbers. The individual shall telephone the designated phone number on a weekly basis on such days and during such hours as designated by the administrator to file for the week. The individual shall access the Interactive Voice Response (IVR) System by entering his social security number and personal identification number (PIN). The administrator shall treat the PIN in the same manner as the individual's signature. By entering the social security number and PIN, the individual certifies that he is answering questions truthfully and understands that giving false information or answering questions for anyone other than himself constitutes fraud and is subject to penalties prescribed by law. The individual shall be guided through a series of questions regarding eligibility for the seven-day calendar week with respect to which is claim is being filed.

5. Continuing partial claim - by telephone

When filing partial continuing claims, the individual shall enter the name and address of the employer, hours and minutes worked and wages earned for the week claimed. Wages earned for any work performed must be reported as part of the filing of the claim for the week in which the wages were earned, not with respect to the week in which the wages were paid, if such week is not the claim week.

6. Return to work

Upon returning to employment, the individual shall contact the call center to

provide the following information: the date on which the individual returned to work, the name and address of the individual's new employer and whether or not the work is self-employment.

7. Shared work claims

Any initial or continuing claim for shared work benefits, pursuant to sections 31-250-8 through 31-250-12, inclusive, of the Regulations of Connecticut State Agencies, may be filed by an employer on behalf of its employees in such manner and medium as directed by the administrator.

Statement of purpose: To amend the claim filing procedures to provide for the filing of initial and continuing claims by telephone; to require employers to provide an employee information packet along with the unemployment notice; to amend the definition of good cause for the late filing of an initial or continuing claim.

Be it known that the foregoing regulations are amended as hereinabove stated by the aforesaid agency pursuant to Sec. 31-241 of the General Statutes, as amended by Public Act No. 99-123 of the Public Acts, after publication in the Connecticut Law Journal on October 10, 2000, of the notice of the proposal to amend such regulations, and the holding of an advertised public hearing on the 15th day of November, 2000.

Wherefore, the foregoing regulations are hereby amended as hereinabove stated, effective when filed with the Secretary of State.

In Witness Whereof: May 8, 2001, Shaun B. Cashman, Commissioner.

Approved by the Attorney General as to legal sufficiency in accordance with Sec. 4-169, as amended, Connecticut General Statutes: May 21, 2001.

Approved by the Legislative Regulation Review Committee in accordance with Sec. 4-170, as amended, of the General Statutes: September 5, 2001.

Two certified copies received and filed, and one such forwarded to the Commission on Official Legal Publications in accordance with Sec. 4-172, as amended, of the General Statutes, Secretary of the State: September 17, 2001.