

## **Legal Services Corporation of Delaware, Inc.**

A non-profit law firm and community education organization assisting low-income families in Delaware.

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## **Unemployment Compensation In Delaware** <sup>[1]</sup>

### **What Is Unemployment Compensation?**

Unemployment Compensation is a form of insurance which pays money to workers between jobs. Unemployment Compensation is paid to workers who qualify under the law. To file for Unemployment Compensation, report to the nearest State of Delaware Department of Labor.

### **Am I Eligible for Unemployment Compensation?**

***Four standards must generally be met to qualify for benefits:***

- You must be unemployed through no fault of your own.
- You must be able to work, available for work and actually seeking employment.
- You must be registered to work with the Delaware State Employment Service.
- You must have been paid a minimum amount of wages during a set period of time prior to applying for benefits.

### **What Are the Reasons That I Can Be Disqualified from Receiving Benefits?**

***Some of the most common reasons for disqualification from receipt of benefits are:***

- Quitting a job voluntarily without good cause connected with work.
- Being discharged/fired from work for just cause.
- Refusing an offer of suitable work for which the claimant is reasonably suited.
- Refusing a referral to a suitable job opportunity offered by the State employment service.

## **What Are the Steps in Determining Whether a Worker Is Eligible for Benefits?**

1. A discharged/fired worker files a claim.
2. The Department of Labor sends a form to the worker's former employer.
3. The employer returns the form to the Department of Labor listing the reason for the worker's termination of employment.
4. A Department of Labor "Claims Deputy" decides whether the worker is eligible for benefits.

## **How Do I Appeal a Determination That I Am Ineligible for Benefits?**

1. An appeal from a Claims Deputy's decision must be filed within 7 calendar days after delivery of the decision or within 10 calendar days after the mailing date of the decision. The Claims Deputy's decision is final if no appeal is filed.
2. If an appeal is filed, a hearing is scheduled to be heard by an "Appeals Referee." All evidence, including witness testimony and written documents should be presented at this hearing. If a witness will not appear voluntarily, or written documents cannot be obtained, the worker can request a subpoena compelling the attendance of a witness or the production of documents. The Appeals Referee will then hear the testimony, review the written evidence and later issue a written decision.
3. The Appeals Referee's decision may be appealed to the Unemployment Insurance Appeal Board, a five-member panel. An appeal from an Appeal Referee's decision must be made within 10 calendar days of the mailing of the decision. The Board may limit review to the evidence presented to the Appeals Referee, however, at the Board's discretion, additional testimony, documents and arguments may be considered.

## **How Do I Appeal a Determination from the UI Appeal Board?**

- A decision of the UI Appeal Board must be appealed to the Superior Court within 10 calendar days of its mailing, or it becomes final. The Court will not consider any evidence which was not presented at the lower appeal levels. The Department of Labor will submit a record to the court which will include copies of all documents submitted in the case and a written transcript of the witnesses testimony.
- The court will then, generally, schedule written and/or oral arguments, and after the arguments are presented a judge will issue a written decision. The decision of the Superior

Court Judge can then be appealed to the Delaware Supreme Court, however this is not common.

## ***Department of Labor offices***

<b>New Castle County:</b>	
Department of Labor 4425 North Market Street Wilmington, DE 19849  (302) 761-8446	Department of Labor Pencader Courtyard Route 896 Newark, DE 19714 (302) 368-6600
<b>Kent County:</b>	<b>Sussex County:</b>
Department of Labor 114 South Dupont Highway, Suite 103 P.O. Box 616 Dover, DE 19901 (302) 739-5461	Department of Labor 600 N. Dupont Hwy. Suite 205 Georgetown, DE 19947-0548 (302) 856-5611
Kent & Sussex <i>Toll Free (800) 794-3032</i>	

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