



Eligibility (Ability, Availability, Seeking Work, Reporting, Participating in Profiling, Appearing at UIA Location for Eligibility Evaluation)

What the law says: This issue is covered by Section 28 of the *Michigan Employment Security Act*, and Administrative Rules 208, 210, and 216. The law says that to receive a benefit payment in any week, an unemployed worker must be able to work; available for full-time, suitable work; and must be **actively engaged** in seeking work and reporting to the Unemployment Insurance Agency (UIA) in person or by mail, as required. Also, a worker must participate in a "profiling" session at a Michigan Works! Agency location if so notified, and must appear at a UIA location for an in-person eligibility evaluation, if so notified.

To be **able** to work, an unemployed worker must be able to do a kind of work he or she performed in the past, or was trained to perform. The work does not have to be the kind he or she most recently performed.

To be **available** for work, an unemployed worker must be willing to accept any full-time work that is suitable for the worker. Factors that determine whether a job is suitable for a worker include the worker's prior earnings, experience, travel distance, prior training, physical fitness, and risk posed to the worker's health, safety and morals. The worker must be available to perform the work generally on any day of the week and on any shift when the work is normally performed, to receive a benefit payment for the week. An exception is when a close relative dies; the availability requirement is suspended for five days. Also, an individual in training approved by the UIA is not required to be available for work. To be **seeking work**, an unemployed worker must be looking for work in a way generally used by a worker in that occupation to find work. An active search for work is required. Under certain conditions, such as for short-term layoffs, or during periods of high unemployment, or while in UIA-approved training, the seeking work requirement may be suspended by the UIA.

An individual will become ineligible for benefits if during a benefit year he/she fails to notify or update a chargeable employer with contact information. Also, an individual must respond to the Agency within 14 days of the later of the mailing of a notice to the address of

record or of a telephone message requiring the individual to contact the Agency, or show good cause for not doing so. If mail is returned to the Agency as undeliverable and the telephone number is no longer useful in contacting the claimant, he/she will no longer meet the availability requirement unless good cause can be shown.

For benefit years beginning on or after January 1, 2013, to be actively engaged in seeking work, an individual must conduct a weekly systematic and sustained search for work and report the name and location of the employer, where and when work was sought, and the method work was sought. The report must be provided to the Agency by any of the following methods:

1. At monthly intervals using the Agency's online reporting system; or
2. A written report at monthly intervals by mail or fax; or
3. By appearing at least monthly at a Michigan Works! Agency office.

To be **reporting** to the Unemployment Insurance Agency (UIA) on time, an unemployed worker must report by telephone using "MARVIN," the UIA's telephone reporting system, or by MARVIN on-line, according to instructions given by the UIA. For "good cause," an additional 14 days can be given for reporting. Good cause includes a family death; attendance at a funeral; working; reliance on a promise of work; incapacity of the unemployed worker or a dependent; a storm; or seeking work out-of-state. Other circumstances may also qualify as good cause for late reporting. For more details about **reporting** on time, see the Advocacy Fact Sheet entitled "Filing Requirements for Initial and Continued Claims".

To be **participating in profiling activities**, a worker identified as needing such assistance and notified to participate must participate in re-employment and job search services. If the worker fails to participate in these services, the worker will be held ineligible for unemployment benefits in every week in which he/she fails to participate.

UIA's profiling system uses a computer model to identify workers likely to exhaust unemployment benefits and to need re-employment services to find a job. Factors considered are the worker's education and training, the industry in which the individual last worked, and the type of job the unemployed worker performed.

To be **registered for work**, an unemployed worker must report to an office of the Michigan Works! Agency and enter his or her résumé on-line. In most cases, though, if an unemployed worker is expected to return to his or her regular employer within 120 days of his/her layoff date, the unemployed worker's application for benefits serves as the registration, and the unemployed worker is not required to report in that case to the Michigan Works! Agency.

What court cases have said: The courts have said an unemployed worker must actively remain part of the labor force, in order to receive unemployment benefits. However, a worker disabled from one kind of work may still be able to do other work he or she is qualified to do, and may still be eligible for benefits. A worker must be willing to work any shift his or her work is performed, and must be willing and able to rearrange things like school classes or babysitting services to accept work on any shift.

Examples: A worker receiving workers' disability compensation may still be eligible for unemployment benefits if he or she can do some kind of work for which he or she is qualified by past experience or training. A student may be available for work and eligible for benefits if he or she would be willing to drop out of school, or would be willing and able to change class times if offered work. A worker who just reads the newspaper to find a job would not be actively seeking work, and probably would not be eligible for unemployment benefits. A worker who fails to call MARVIN or report to MARVIN on-line during the required week will probably not be eligible for benefits for the weeks not properly reported.

Proof at the Hearing: The unemployed worker has the burden of proving that he or she was eligible for unemployment benefits.

For Further Help: The UIA Advocacy Program can provide assistance to employers and/or unemployed workers in preparing for an Administrative Law Judge hearing. Call 1-800-638-3994, Item 2.

The information on this sheet is intended to provide a general understanding of the subject matter.

It does not have the force or effect of law or regulation.

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