

UNEMPLOYMENT INSURANCE BENEFITS (UIB)

Know Your Rights: A Fact Sheet from Nevada Legal Services, Inc.

When am I eligible for unemployment benefits?

If you are unemployed, you may be entitled to unemployment benefits, even if you were fired, quit, or receive an initial determination that you are ineligible for benefits.

As soon as you are terminated, laid off, or quit, you should immediately apply for unemployment benefits.

Who is entitled to benefits?

You are entitled if you:

- Are unemployed
- Have worked enough hours
- Are able to work
- Are actively seeking work
- Are not otherwise disqualified



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What are reasons for disqualification?

You can be disqualified for benefits for reasons related to your last or next to last job such as:

- Voluntary Quitting without Good Cause
- Misconduct
- Criminal Activity at Work

Disqualification can also be related to your job search while receiving benefits. You can be disqualified if you:

- Turn Down Suitable Work
- Are Not Able and Available to Work

You can also be disqualified based on your unemployment claim if you fail to:

- Disclose Material Facts
- File the necessary information in a timely manner

However, if you are disqualified, you have a right to appeal the decision.

What do I have to do to maintain my eligibility for benefits?

You have to be able and available to accept a suitable job and you must actively be looking for work. The Employment Security Division will ask you to prove that you are actively looking for work so you have to keep logs of your attempts to apply for a new job. You also must continue filing weekly claims even if your claim is initially denied in order to maintain your eligibility for benefits if you file an appeal.

Resources

You can access additional information and forms on the NLS website at nlslaw.net.

You can also check out our YouTube videos at our Nevada Legal Services Now! Channel.

For information on filing claims you can access the online claims filing system and additional information at ui.nv.gov.

What is the appeals process?

Once you receive a letter stating your claim has been denied, you have 11 days from the date the letter was mailed to appeal. The letter will usually say when the decision is final. The appeal letter needs to state you are appealing the decision and have your name, birth date, Social Security Number and your signature.

What happens at the hearing?

The hearing is your chance to explain why the initial decision finding you were ineligible for benefits was wrong. This is your only evidentiary hearing! If you believe you have relevant evidence to present, you **MUST** do so at the hearing before the Appeals Referee.

At the hearing both you and your employer will have the opportunity to explain your side of the story to the appeals referee. The referee will question each person giving testimony. Each side will also be able to question each witness. You also have the right to subpoena witnesses and submit documents before the hearing.

After all the testimony has been given, you and the employer will each have a chance to give a closing argument.

What if I do not file my appeal on time or miss my hearing?

If your appeal is not timely filed, or if you do not go to the hearing, your case may be dismissed. If you do not file your appeal by the deadline, you will need to show good cause, such as you were in the hospital or out of town. If you do not think you will be available for your hearing, you should call the Appeals Office and request a new hearing date.

What if I quit my job or were fired? Am I still eligible?

- **Voluntary Quit:** You may be eligible for benefits if you quit your job without first securing other employment if you had good cause to quit. Good cause to quit is not easy to show. You have to persuade the Appeals Referee that:
 - You had a good reason to quit, such as the work conditions were bad enough to make a reasonable person quit, **AND**
 - Before quitting you tried to work with management to solve the problem.
- **Misconduct:** To be ineligible for benefits based on misconduct, your employer has to show your behavior met the legal standard of misconduct. This means your conduct:
 - Showed a disregard for the employer's interests or your job duties **or**
 - Was careless or negligent to beyond an accident or good faith error in judgment **and**
 - Was wrongful

Inability or incapacity to do something or a good faith error in judgment is not disqualifying misconduct.

What if I lose at my hearing?

You can appeal the decision and you have to submit a written appeal, including the reasons why you believe the Appeals Referee's decision was incorrect, to the Board of Review within 11 days after it was mailed.

If the hearing decision is different from the initial decision, the Board of Review has to hear the appeal. However, if it is the same, the Board of Review can choose whether or not to hear the appeal.