

Chapter ILHR 129

NOTICE OF UNEMPLOYMENT

ILHR 129.01 Notice of unemployment

Note: Chapter ILHR 129 was created by emergency rule effective 1-8-84.

ILHR 129.01 Notice of unemployment. (1) A claimant shall be eligible under s. 108.08, Stats., for benefit purposes as of the first week of total or partial unemployment in which the claimant reports in person to a public employment office to initiate the benefit claim and, thereafter, gives due notice of unemployment by filing a claim form as provided in this section. Any claimant who stops filing claim cards for one or more weeks of unemployment or who fails to give due notice of unemployment for one or more weeks shall again report in person to a public employment office to reactivate the benefit claim. Benefits are only payable beginning with the week in which the claimant reactivates the benefit claim. After the claimant has reactivated the benefit claim, he or she shall again give due notice of unemployment as required in this section.

(2) (a) For a week of total unemployment, the claimant shall submit the claim form to the department within 14 days following the date the department mailed the claim form to the claimant, or within 14 days following the end of the week for which benefits are claimed, whichever occurs later.

(b) For a week of partial unemployment, the claimant shall submit the claim form to the department within 14 days following the date the department mailed the claim form to the claimant, or within 14 days following the date the employer paid wages to the claimant for that week, or within 14 days following the end of the week for which benefits are claimed, whichever occurs latest.

(c) If a claimant submits an incomplete claim form, the department may either direct the claimant to report in person to the public employment office to refile the claim or may send the claimant a duplicate claim form for refiling. A claimant who is directed to report to the public employment office shall report within 14 days of the date the department gave notice to report. A claimant who is sent a duplicate claim form shall submit the claim form within 14 days following the date the department mailed the duplicate claim form to the claimant.

(d) The time periods specified in this section are extended to 19 days for claimants who claim through the interstate system.

(3) The department shall waive the requirements of this section if exceptional circumstances exist. Exceptional circumstances include, but are not limited to, the following:

(a) The absence of previously scheduled claimstaking facilities in or near to the claimant's community.

(b) The claimant's inability to use the claimstaking facilities available in or nearest to the claimant's community either because of the lack or failure of transportation facilities on which the claimant may have rea-

sonably relied or because the claimant was employed. No waiver may be granted unless the lack or failure of transportation facilities or period of employment occurred at a time and for a duration as to prevent the claimant's giving due notice of unemployment or reporting in person, if required.

(c) An error relating to the claimant's giving of notice made by personnel of the department.

(d) Action by an employer, in any manner, directly or indirectly, instructing, warning or persuading the claimant not to file a benefit claim.

(e) The failure of the claimant's most recent employer to post or maintain any notice as to claiming unemployment benefits which has been supplied to the employer under s. Ind-UC 120.01.

(f) The claimant reasonably expected to perform work during the week but did not receive timely notice from the employer that work would not be available so as to allow the claimant sufficient time to appear at the public employment office to initiate or reactivate the benefit claim in that week.

(g) The claimant reasonably expected to perform an amount of work during the week which would have made the claimant ineligible for benefits but did not receive timely notice from the employer that such work would not be available so as to allow the claimant sufficient time to appear at the public employment office to initiate or reactivate the benefit claim in that week.

(4) A claim form is not considered to be "submitted" until physically received by the department. A claim form postmarked on or prior to the last day specified under sub. (2), but received by the department on a subsequent day is not a timely submission. A claim form is timely submitted if received by the department on the next succeeding business day if the last day for filing falls on Saturday, Sunday, any of the holidays enumerated under ss. 230.35 (4) (a) and 757.17, Stats., or any other day on which mail is not delivered by the postal authorities.

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