

# **Worker’s Guide to Accessing Unemployment Insurance Benefits in the State of Michigan**

A Publication of the Sugar Law Center for Social and Economic Justice

Detroit, MI



*“Economic insecurity due to unemployment is a serious menace to the health, morals, and welfare of the people of this state. Involuntary unemployment... requires action by the legislature to prevent its spread and to lighten its burden which so often falls with crushing force upon the unemployed worker and [their] family...”*

*The systematic accumulation of funds... to be used for the benefit of persons unemployed through no fault of their own... is for the public good, and the general welfare of the people of this state.”*

- Michigan Employment Security Act of 1936

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## What is unemployment insurance?

Unemployment insurance is an economic safety net system that provides financial assistance to workers who have lost their jobs through no fault of their own. It provides regular cash payments to unemployed workers to allow them to afford necessities such as housing, food, transportation, and health care while they are searching for new, suitable work.

Benefits became available nationwide when the Federal unemployment insurance system was established by the Social Security Act of 1935.

## In general, who can receive unemployment insurance benefits?

Below is a short summary of the types of individuals who are able to receive unemployment benefits in the State of Michigan. More detailed information on what is required to receive benefits can be found later in this guide.

### Unemployed, full-time workers

Individuals who were working full-time and who lost their job through no fault of their own are generally able to receive unemployment benefits. The most common circumstances that lead to becoming entitled to unemployment benefits are when a worker is fired, laid-off, or leaves their job through no fault of their own.

In addition to a qualifying separation from your previous work, to be eligible for unemployment benefits you must be:

- **Available for work:** You are willing to accept any full-time work that is suitable.
- **Able to work:** You are physically and mentally able to perform full-time work that you have performed in the past or have been trained for.
- **Seeking work:** You are actively looking for full-time work.

The law doesn't define "full-time" for unemployment benefit purposes. The Unemployment Insurance Agency accepts the definition of "full-time" used by the particular employer involved in the claim. However, **you must be seeking full-time work to receive unemployment benefits.**

To receive benefits, workers must also have made enough wages over the past period of months that the Unemployment Insurance Agency calls the "base period". In addition to determining if an unemployed worker can receive benefits at all, the wages earned during the base period will also determine the weekly amount of assistance that a worker will receive.

### Under-employed, part-time workers

If you have lost a full-time job and are found to be entitled to benefits by the Unemployment Insurance Agency, you may be able to continue to receive unemployment benefits if you begin working at a new job at less than full-time hours. If you work and receive benefits, you are responsible for informing the Unemployment Insurance Agency of any wages you receive.

### Other Circumstances

**Agency Approved Training Program:** Workers participating in a training program approved by the Unemployment Insurance Agency may continue to receive benefits while they are enrolled in the program.

**Death or Incompetence:** Dependents may receive benefits for unemployment benefit recipients who die or become mentally incompetent (Alzheimer's, traumatic brain injury, etc.) while they are receiving benefits. The surviving dependent may only receive benefits for any weeks that the unemployed worker was entitled to prior to their death or incompetence.

## **When should I apply for unemployment insurance benefits?**

You should apply for unemployment insurance benefits as soon as possible after you lose your job. Your claim will not be backdated to when you lost your job, so you will not receive benefits for any of the time that occurs between your last day of work and when you apply for benefits.

Even if you are unsure if you qualify for unemployment benefits you should apply. The factors that make a person eligible or ineligible for benefits are complicated and can be confusing and the Unemployment Insurance Agency does not get everything right the first time. You have nothing to lose by simply applying for benefits after you lose your job.

## **Filing on Time**

For your claim to be considered filed on time, you must file by the Friday of the week following your last day of work. This means if you are fired on Monday, you will have approximately eleven days until Friday of the next week to submit your application.

Even if you are late in filing your application for benefits, you may still be able to establish a claim. If you are less than two weeks (14 days) late in filing your application for benefits, you can show "good cause" for why you were late to submit your application. "Good cause" for late filing can be any justifiable reason for someone acting reasonably in light of their circumstances, so it is worth explaining your circumstances and why you acted to the Unemployment Insurance Agency if you submit your application after the deadline.

### Examples of justifiable reasons include:

Acts of God; working or reliance on a promise of work that did not materialize; closing of Agency offices or failure of Agency communications equipment during scheduled hours; delay or interruption in the delivery of mail; personal physical incapacity or physical incapacity or death of a spouse, relative, or child; attending a funeral; incarceration; jury duty

**Note:** The Unemployment Insurance Agency retains the authority to change the rules and deadlines for when an application for benefits is considered on time at any time. Apply as soon as possible to avoid potential late filing issues and be mindful that you may need to look up the newest guidelines.

## **How do I apply for unemployment insurance benefits?**

There are currently two ways to apply for unemployment insurance benefits in Michigan, online via the Michigan Web Account Manager (MiWAM) or over the telephone. While you can help others with their application, you may not apply for benefits on someone else's behalf and nobody else can apply for you.

**Before you receive any benefits, you must first successfully submit a complete application and register for work search with your local Michigan Works! agency.**

### What information do I need to apply for benefits?

- Your Social Security number.
- Your state issued driver's license or ID card number or your MARVIN PIN (if you have one).
- The names, addresses, and period of employment with each employer you worked for during the past 18 months along with your gross earnings. Gross earnings are your wages before any deductions are made for taxes or other withholdings.
- Your most recent employer's Federal Employer ID number (FEIN) (especially if you have **not** filed a claim within the last three years or have been employed for less than six months) and Employer Account Number (EAN). You can find your employers federal employer identification number (FEIN) on your W-2 form.
- If you are **not** a U.S. citizen or national, you will need your Alien Registration card and the expiration date of your work authorization.

### How do I register for work?

To begin to receive and to remain eligible for unemployment benefits after you have started receiving them, you must be **able to work, available to work, and actively seeking work**. In order to meet the “available for work” requirement, all applicants for unemployment benefits must show that they want to work and would take a job if it were offered.

To fulfill the “available for work” requirement, **all unemployment benefit applicants must register for work in-person with their local Michigan Works! office**. Michigan Works! is a network of offices that works with the State of Michigan to help Michigan residents find work.

There are over 100 Michigan Works! Service Centers throughout the state. To locate the one nearest to you, you can call 1-800-285-9675 or visit <https://michiganworks.org/agencies/map/>.

When you arrive at a Michigan Works! Service Center, you will need to show two important documents: a photo ID that is accepted by the state (driver’s license, state ID, green card, etc.) and an official document that shows **both** your social security number and your name. A Social Security card is best, but you may also use an employment or tax document so long as it shows your full name **and** full social security number.

Once your identity has been verified, the Michigan Works! staff will help you to register with Pure Michigan Talent Connect, an online resume/job seeking system that is affiliated with the Michigan Works! network. The office representatives will assist you in filing a resume online with Pure Michigan Talent Connect. If you have already printed a resume, you can bring it with you. But if you have not already created a resume or yours is out of date, the representatives will help you to put one together through the online system in the office. Note that, while you may create your account and upload your resume on Pure Michigan Talent Connect from any online computer, **you still need to visit an office in-person** to officially register.

**The Michigan Works! staff will give you an official form titled “Notice to Register for Work” and will stamp it to indicate that you are in the system. Keep this in a safe place for your records.** They will also report your social security number and full name to the

Unemployment Insurance Agency. **You must complete these steps at least one business day before you certify for benefits for the first time.**

### [How do I apply for benefits over the phone?](#)

If you do not have regular access to the internet, you may prefer to apply for benefits by phone. To do so, you will need to call the Unemployment Insurance Agency at the following number:

- 1-866-500-0017 – phone lines are open Monday – Friday, 8:00am-4:30pm.
- For people who are deaf or hard of hearing, TTY service is available at: 1-866-366-0004. You can also schedule an online appointment with a closed captioning option by visiting the Unemployment Insurance Agency’s website.

When submitting your application over the phone, be sure that you input all the information requested and stay on the call until the end. If you hang up before you speak with a claims examiner, your claim for benefits will not be processed.

### [How do I apply for benefits online \(via MiWAM\)?](#)

The fastest and preferred method of applying for unemployment benefits in Michigan is to apply online via the Michigan Web Account Manager (MiWAM). Creating an online account will allow you to apply for benefits at any time, check the status of your claim, and submit further information as needed for the Agency to process your claim for benefits.

To apply over the web, you will first need to create an account by visiting MiLogin at: <https://milogin.michigan.gov>

Follow the instructions online by filling in the requested information. If you have questions about how to respond to a question or you are unsure of how to proceed, you may refer to the instructions in the “MiWAM Toolkit for Claimants” on the Agency website (can also be found by searching in your web browser) or by viewing the instructional videos on the Michigan Unemployment Insurance Agency YouTube channel.

You can also receive assistance by calling the Unemployment Insurance Agency’s main phone line: 1-866-500-0017

When you submit your application online, you will be given the option to select how you will receive future communications from the Unemployment Insurance Agency. It is recommended that you **opt-out of “Go Green” and select that you would like to receive communications from the Agency by U.S. mail.** In addition to the paper copy of your communications in the mail, you will still be able to view and respond to all of the Agency’s requests through your online MiWAM portal.

### [What happens after I submit my application and register for work?](#)

After you submit all of the required information, a claims representative from the Unemployment Insurance Agency will review your claim. Your former employer will also file forms about your unemployment. Based on all of this information, the representative will make an official decision, called a “**Determination**”, stating whether you are eligible to receive benefits. For most claims, you should receive two Determinations at the beginning of your claim, a Monetary Determination and a Non-Monetary Determination.

If you selected to receive notices by mail, they should arrive at your home by U.S. mail. Otherwise, you will need to check your MiWAM account regularly to check for them.

### Monetary Determination

After you file for benefits, you will receive a letter from the Unemployment Insurance Agency with your name and identifying information on it that says “**Monetary Determination**”. The form will include information about:

- If your claim has been approved or denied based on the wages you earned.
- How the amount of benefits you will receive was calculated – also called your Weekly Benefit Amount.
- The number of weeks you are allowed to collect benefits for.
- The employers that the Unemployment Insurance Agency has on record that you worked for during your “base period”.
  - Base Period - approximately one-year period before you claim benefits that the Agency uses to calculate the amount of wages you earned to qualify for benefits.
- The reason that the Unemployment Insurance Agency has on record for why you are no longer working for the employers that you worked for during your base period.
- Registering for work and your work search requirements.
- What week you can start to certify your unemployment and begin receiving benefits.
- Protest rights for if you disagree with any of the information on the letter.

If your claim is denied on the monetary determination, the most common reason is that you did not receive enough wages during the base period to establish a claim for benefits. You can protest this finding if you disagree with how the Agency calculated your wages. Otherwise, you will not be able to receive unemployment benefits until you have earned a qualifying amount of wages.

### Notice of Determination (Non-Monetary Determination)

In most cases other than large layoffs when employers are required to file unemployment for their employees, you will also receive a non-monetary determination called a “**Notice of Determination**”. The Notice of Determination will either state that you (1) were qualified to receive benefits or (2) were not qualified to receive benefits.

When individuals are denied benefits based on reasons other than their wages or monetary eligibility, it is most commonly due to the Unemployment Insurance Agency determining that the reason you lost your job did not qualify you for benefits. See “What do I do if my claim for benefits is denied?” below for more information.

## How much do I have to earn in wages to receive unemployment benefits?

To determine if you have enough wages to qualify for benefits, the Unemployment Insurance Agency first looks at what is called your Standard Base Period. The standard base period includes the first four of the last five completed calendar quarters prior to when you filed your claim. That means that the Standard Base Period does not include the most recent calendar quarter. The four calendar quarters in a year are: January - March; April - June; July - September; and October - December.



STANDARD BASE PERIOD (First four quarters)				LAG QTR	FILE QTR
Must have earned at least \$3,744					
QTR 4 2017	QTR 1 2018	QTR 2 2018	QTR 3 2018	QTR 4 2018	QTR 1 2019

ALTERNATE BASE PERIOD (Four most recent quarters)					FILE QTR
Must have earned at least \$3,744					
QTR 4 2017	QTR 1 2018	QTR 2 2018	QTR 3 2018	QTR 4 2018	QTR 1 2019

To meet the wage requirements under the Standard Base Period:

- You must have at least one quarter in which you earned a minimum of \$3,830.00.
- You must have wages in at least two calendar quarters in the base period.
- Your total base period wages must equal 1.5 times your highest quarter wages.

If you do not meet the wage requirements based on your standard base period, the Agency will consider your wages in the "alternate" base period, which is the four most recently completed calendar quarters.

If you don't meet the wage requirement in either the Standard Base period or the Alternate Base period, you may still be able to qualify for benefits using the Alternate Earnings Qualifier. This means:

- You must have wages in at least two quarters;
- Total wages for all four quarters must equal at least 20 times the state average weekly wage (SAWW). For 2022, the amount to qualify based on the Alternate Earnings Qualifier is \$23,275.80 [20 x \$1,163.79 (SAWW) = \$23,275.80].

## How will I receive my unemployment benefit payments once my claim has been approved?

When you file your claim for unemployment insurance benefits, you will have the opportunity to choose how you would like to receive the funds from your benefit payments. Currently, the Unemployment Insurance Agency offers two options to receive your benefit payments.

**Direct Deposit:** You can receive your unemployment insurance benefit payments as a direct deposit to your savings or checking account. To use the direct deposit option, claimants must have an existing account with a U.S. financial institution. Benefits may be deposited into either a checking or savings account. Claimants will need their account number and the nine-digit routing number for their financial institution. Once the Direct Deposit option is set up, unemployment benefits will be electronically deposited into the claimant's checking or savings account.

**Prepaid Debit Card:** If you do not have a bank account or choose not to receive unemployment through your direct deposit, you may also receive your benefits on a prepaid debit card provided by the Unemployment Insurance Agency. The Agency will issue funds on the U.S. Bank ReliaCard, a Visa prepaid debit card issued by U.S. Bank. Those choosing the debit card option must read all pre-acquisition disclosures before making their selection online or by phone. If you

choose this option, you can learn additional information about the features on your card at [usbankreliacard.com](https://usbankreliacard.com) or on the U.S. Bank Mobile App and find answers to common questions.

Individuals are not locked into one payment method for the duration of their claim. They can change their benefit payment method online through MiWAM or by calling Agency's customer service line at 1-866-500-0017.

### How long before I receive my first payment?

Although circumstances may vary, individuals should expect their first payment about three weeks after they file their claim. Subsequent payments are released every two weeks after the individual certifies that they are still unemployed and want to collect benefits for those weeks. The particular day or time of day in which a claim is filed will not impact whether a worker receives benefits or their benefit amount.

## How much will I receive for my benefit payments?

### Weekly Benefit Amount (WBA)

Your weekly benefit amount is the number of dollars you receive for your unemployment benefits per week that you experience unemployment and is determined by your quarterly wages. The maximum benefit payment you can receive is \$362.

The amount you receive in unemployment benefits is calculated by multiplying the highest amount of wages paid to you in any calendar quarter in the base period used to calculate your eligibility by 4.1 percent.

For example: If you made \$1000 per week during the calendar quarter from January through March, you will have made approximately \$13,000 in wages before taxes. If this is your highest calendar quarter of wages, the Unemployment Insurance Agency will multiply \$13,000 x 4.1% to get \$533. Because \$533 is more than the maximum benefit amount of \$362, you would receive the maximum amount of \$362 for your weekly benefit amount.

### Can I get additional benefits to help support my dependent spouse and/or children?

If you are collecting unemployment benefits and are supporting dependents, you may qualify to receive an additional **\$6 per dependent, per week** that you collect unemployment benefits. At maximum, you can collect the additional dependent allowance for **up to 5 dependents** (\$30). However, regardless of the number of dependents you support, the additional dependent allowance cannot cause your weekly benefit amount to exceed the maximum of \$362.

A dependent is defined as any person who receives more than one-half the cost of his/her support from you for at least 90 consecutive days immediately preceding the first week after you begin collecting unemployment benefits, or in the case of a dependent spouse or child, for the duration of the marital or parental relationship. More detailed information on who qualifies as a dependent can be found on the Unemployment Insurance Agency website.

### I am required to pay child support. Will my benefits be reduced?

The Michigan Unemployment Insurance Agency and the Michigan Child Support Enforcement System work together to make sure support is going to the children you are responsible for while you are unemployed. If support is not being taken from your unemployment check, you need to keep making your child support payments through the Michigan State Disbursement Unit until it

is. Court ordered child support payments can reduce unemployment insurance benefits by up to 65%.

### Are my unemployment insurance benefits taxable?

Note that **unemployment insurance benefits are taxable income**. You will receive a Form 1099-G to file with the IRS from the Unemployment Insurance Agency when it is time to file your yearly taxes with the government. When you first apply for benefits, you will have the opportunity to choose if you would like to have taxes withheld from your benefit payments.

### How long can I receive benefits?

The maximum is 20 weeks and the minimum is 14 weeks. To calculate the number of weeks of unemployment you may be entitled to:

1. Multiply the total amount of wages you received in your base period by 43% (0.43)
2. Divide the result in step 1 by your Weekly Benefit Amount
3. Round the result of step 2 down to the nearest half-week. The result is the number of weeks you may receive benefits.

### What is a benefit year?

The Unemployment Insurance Agency defines your benefit year as the 52 consecutive weeks that start when you file an unemployment claim if you qualify for unemployment. The benefit year starts the Sunday of the week you file. It ends the Saturday one year later. Your benefits year is also ended if your benefits are cancelled.

Once you have established a claim, you can claim your (up to) 20 weeks of benefits any week during the benefit year that you are eligible to claim benefits. The (up to) 20 weeks do not have to be consecutive. There can be weeks you do not claim benefits in between the ones that you do.

### Extensions of Benefits

In general, you cannot receive an extension of the number of weeks you receive benefits. Benefit extensions are most commonly available during periods of high unemployment, but only if the state and/or federal government take special action to provide additional weeks of benefits.

### What do I need to do to continue receiving benefits?

#### Certify for benefits every two weeks

Claimants must report to the Unemployment Insurance Agency every two weeks that they are eligible for benefits. This is called “certifying for benefits”. After the first certification (which is typically done during the third week of unemployment) you will receive your first payment in about 2-3 days. However, this can vary depending on your particular circumstances.

You must certify your eligibility every two weeks to continue to receive benefit payments. The preferred method of certifying is online, although phone certification is also available.

**Online (MiWAM):** Login to your MiWAM account to certify by following the prompts on the website. Be sure to answer all the questions for both weeks that you are certifying for and to submit your answers once you have selected them.

**Phone (MARVIN):** You certify over the phone with the Michigan Automated Response Voice Interactive Network (MARVIN), an automated phone system that collects information for the Unemployment Insurance Agency. You can call in to MARVIN at 1-866-638-3993, Monday through Friday, 8:00 a.m. to 4:30 p.m.

If you choose to certify by phone, you will need to set up a secret four-digit Personal Identification Number (PIN) that will serve as your electronic signature for collecting unemployment benefits. If you forget or think someone else has learned your PIN, you may reset it by verifying your identity. Visit the Agency website for more information.

## UNEMPLOYMENT INSURANCE

### Call in Schedule for Certifying by Phone

Call on your designated day and time **AND** Certify according to your social security number

Last 2 Digits of SSN	Day of the Week	Eastern Standard Time
00-15	Monday	8:00 a.m. – 12:30 p.m.
16-33	Monday	12:30 p.m. – 4:30 p.m.
34-48	Tuesday	8:00 a.m. – 12:30 p.m.
49-66	Tuesday	12:30 p.m. – 4:30 p.m.
67-81	Wednesday	8:00 a.m. – 12:30 p.m.
82-99	Wednesday	12:30 p.m. – 4:30 p.m.
Thursday and Friday if you missed your days		8:00 a.m. – 4:30 p.m.

– To report your work search activity –  
Stay on the line after you answer the automated questions to speak with an agent.

#### What if I am late in certifying for one or more weeks of unemployment?

If you do not certify during your reporting week, you will be considered late to certify.

If you still want to claim the week of benefits that you are late for, you will need to inform the Unemployment Insurance Agency of the reason you are late for reporting for those weeks by responding to questions about your eligibility. A Determination will be issued letting you know which weeks, if any, can be paid. If the Agency decides you do not have “good cause” for reporting late, you will not be paid for the weeks you are reporting and will not be able to collect benefits until your next reporting week.

#### Actively search for work

Every person who received unemployment benefits is required to actively search for work unless they have received a waiver for the requirement. You must actively search for work and submit a record of your work search activities to be eligible for benefits.

**You are required to conduct at least one work search activity in each week that you certify for benefits and you must submit your work search activities at the time you certify.**

### What counts as a work search activity?

Work search activities include, but are not limited to:

- Applying for jobs in person or online
- Creating a profile or resume on a professional networking or job site such as MiTalent.org
- Participating in online job search workshops or seminars
- Attending job fairs or employment workshops
- Utilizing other reemployment websites such as Indeed or LinkedIn.

Contacts can be made by email, online, virtual meetings, or fax. Be sure to keep copies of confirmation pages and or e-mail records for online and e-mail work search efforts.

### What does **not** count as a work search activity?

Applying for the same position within a 4-week period, or contacting an employer to determine whether a position is available, or simply browsing online job boards are not valid work search activities. You must submit an official job application or request for work in order for it to be considered valid.

### How do I report my work search activities?

Benefits will not be paid until you have reported the details of your work search activity for each week you are requesting payment.

There are **two ways to report your work search activities**:

**Online (MiWAM):** You can enter your work by logging into your MiWAM account. The work search questions will be included along with your weekly certification questions.

**Phone (MARVIN):** After completing the automated questions, you must stay on the line to be connected with an agent to provide your work search information for each week.

**Required Information for Work Search:** When you report your work search activities, you must include the following information:

- the date of contact,
- the type of activity (submitted application, checked resource at employment agency, attended job fair, etc.)
- name of employer/organization/search engine
- employer address/online location
- method of contact (online, in person, email, etc.)

### What if I forget to complete my work search activity?

If you do not complete the required work search on any given week, you will not be eligible for benefits for that week. A work search activity must be completed in each week that you are paid benefits. There is also no good cause given for failing to complete a work search activity. If you do not conduct a work search activity in a particular week, you will not be eligible for payment in that week. If you miss a work search activity in any week, it cannot be made up.

### Do I need to keep a record of my work search activities?

Yes. The Unemployment Insurance Agency can request to verify your work search activities at any point during your claim. If your activities are found to be incomplete or inaccurate, you may be found ineligible and have to pay back some or all of benefits you received. As you complete your work search activities, save all confirmation emails or documentation to prove your work search activity. For your protection, this information should be retained for up to 2 years.

### Can I get a waiver for the requirement to actively search for work?

During periods of high unemployment and economic disruption, the government may provide general waivers of the work search requirement that apply to all or most unemployed workers. However, outside of those special provisions, waivers of the work search requirement are only available in limited circumstances.

**Temporary Layoff - Registration and Seeking Work Waiver:** If you are expected to return to full-time work with your employer within 45 days from the date you filed or reopened your claim, your employer can request that you be waived from the work search requirements. The employer is required to request this waiver before laying off workers. If an employer has requested and been approved for a 45-day waiver, your Monetary Determination will state that you have been waived from the work search requirement.

**Temporary Layoff - Short-Term Waiver:** If you are laid off and expect to return to work within 15 days of your layoff date, you can apply for a work search waiver at the time you file your claim. If approved, your Monetary Determination will state that you have been waived from the work search requirement.

**Training Waiver:** If you are in school attending an approved course of study, you may qualify for a training waiver which also waives the work search requirement. To apply for a training waiver, you must contact a Michigan Works! Office. Michigan Works! will assist you with the application submission to the Agency. If approved, the work search requirement will be waived.

### How do I stop collecting benefits when I return to work?

You do not need to take any special action to stop collecting unemployment benefits and you do not need to inform the Unemployment Insurance Agency that you have found a job. Simply stop certifying for your benefits after you have started working and be sure to report any income you do receive in a week that you certify to the Agency.

### Do I have to accept any job I am offered while I am receiving unemployment insurance benefits?

No, you do not. Individuals receiving unemployment benefits do not have to accept any particular job they are offered. However, you are required to accept any offer of suitable employment that you are offered while receiving unemployment benefits.

### What is considered suitable work?

Michigan's unemployment insurance law requires individuals collecting unemployment benefits to be available for suitable work and accept an offer of suitable work. In situations where an

employer offers a employee to return to their customary work, a employee can possibly lose unemployment benefits if he/she refuses.

In determining whether full-time or part-time work is “suitable,” the law considers the following criteria:

- Employee’s physical fitness for the job
- Degree of risk to the employee’s health, safety and morals
- Employee’s prior training and work experience
- Length of the employee’s unemployment
- Employee’s prospects for securing work in his/her customary occupation
- Distance of work from employee’s residence
- Employee’s prior earnings

A job is unsuitable if it is vacant due to a labor dispute, if it pays less than the usual wage for that job in the area, or if a worker would be required to join, resign from, or refrain from joining a union.

You must accept an offer of suitable work based on your skills, abilities, and other factors for your occupation such as the prevailing wage rate in your local labor market. If there are limited jobs in your occupation or geographical area, you may have to expand your work search. For example, you may have to consider looking for a job in a different field or location.

After collecting half (50%) of the employee’s entitled weeks, an unemployed employee must apply for, and accept work even if the work is outside of his or her past training and experience, or unsuitable as to the pay rate as long as:

1. The pay rate is at least minimum wage (\$9.65 an hour);
2. The pay is at least the average wage for the similar work in the area; and
3. The pay is 120% or more of the individual’s weekly benefit amount (WBA).

### What happens if I refuse to take a job that the Agency considers “suitable work”?

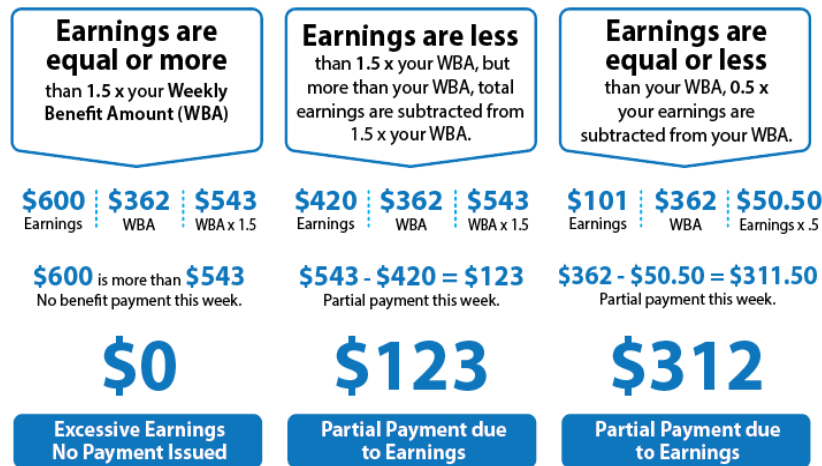
Employees who refuse to accept “suitable work” without “good cause” can lose unemployment benefits. If the Unemployment Insurance Agency finds that the employee did not have good cause to refuse to return to work, the employee: (1) will not be eligible for further unemployment benefits, and (2) will have to pay back unemployment benefits they may have received after they refused the work. If the Agency finds that the employee did have good cause to refuse to return to work, the employee will continue to be eligible for unemployment benefits.

An individual who refuses an offer of work that is determined to be suitable will be denied benefits if the pay rate for that work is at least 70% of the gross pay rate received immediately before becoming unemployed.

### Can I work and continue to receive unemployment benefits?

If you are back to work but working less than full-time hours, you may be able to continue receiving unemployment benefits. However, the amount you earn from working will affect the amount of benefits you receive in your weekly benefit amount.

In general, if your gross earnings or special payments for the week exceed 1.5 times your **Weekly Benefit Amount**, you will not be eligible for benefits for that week. See below for an example of how partial benefit payments are calculated for weeks where you receive wages.



[Report all earnings you receive while collecting unemployment benefits.](#)

If you are working with reduced hours (underemployed), you are required to report your gross earnings (earnings before taxes are taken out) for each week you work when you certify for benefits. When certifying each week online or by phone, be sure to answer yes when asked if you worked during a specific week. Be sure to report earnings for the week in which you performed the work, NOT the week in which you received the payment.

**Earnings:** Earnings include any wages from employment or payment for personal services. To calculate your earnings for the week, multiply your hourly rate of pay by the number of hours you worked during the week (Sunday through Saturday).

**Special Payments:** Other types of payments that you are required to report include the value of room and board related to employment (for example, a property manager living on site that does not pay rent or utilities), vacation or holiday pay; bonus pay, severance pay and pension payments. When special payments are reported, the Unemployment Insurance Agency determines if these payments will reduce a claimant’s benefit payment, and if so, the amount of the reduction. For special payments you will receive a determination (Form UIA 1302) with details about the reduced payment.

[Can I collect benefits if I’m laid off from my family-owned business?](#)

If you work for a sole proprietorship owned by your spouse or child, or owned by your parent or parents (if you are under age 18), then you cannot draw unemployment benefits based on that work. If you work for a partnership comprised solely of your spouse or children, or comprised solely of your parents (if you are under age 18), then you cannot draw unemployment benefits based on that work, either.

A family member who works for a family-owned corporation **is** covered by unemployment benefits. However, in order to receive benefits, both the employer and the claimant must disclose the relationship between person claiming benefits and the business owners to the Unemployment Insurance Agency.



## Can I collect benefits if I am a seasonal worker?

Employees may be denied unemployment benefits between seasons if the employer has applied for and received seasonal designation under the law. An employer must apply for designation as a seasonal employer and meet the qualifications set forth by the Unemployment Insurance Agency.

### When can a seasonal worker be denied unemployment benefits?

A seasonal worker will only be denied unemployment benefits between seasons if **each one of the following conditions is met:**

1. **When applying to be a seasonal employer, the employer posts a copy of the application form for all workers to see.**
  - a. The application must be received by the Agency not less than 20 days before the expected beginning date of the season.
2. **The Agency issues a determination that the employer is a seasonal employer.**
  - a. If the designation is granted, the employer will receive Form UIA 1156, Notice to Workers of Employer's Designation as Seasonal, specifying the beginning and ending dates of the normal work period.
3. **The employer posts Form UIA 1156 telling workers that the UIA has determined that the employer is a seasonal employer.**
  - a. The employer must post the notice in a place where the workers will easily see it. The notice must tell workers the period the Agency says is the employer's "normal seasonal work period," a period of up to 20 weeks. The Agency will not deny benefits to a worker whose employer has not posted this notice.
4. **The worker receives written notice that they are seasonal.**
  - a. When a worker is hired, the employer must inform them in writing that they are seasonal and that benefits may be denied during the period between seasons. The Agency will not deny benefits to a worker who does not receive this written notice.
5. **The employer has given the worker "reasonable assurance" of returning to work next season.**
  - a. Reasonable assurance is not a guarantee of work, but it is an employer's honest belief that there will be work for next season for the seasonal worker. The work should be about the same as the worker's last job as far as skills needed, location, wages and benefits. If it turns out that a worker who had reasonable assurance for the next season is not actually given a job in the new season, that worker could receive benefits in the new season and could possibly receive retroactive benefits for the prior period between seasons. However, to get these "back benefits," the worker must have filed a claim at the end of the old season, and must have continued to report online or by phone between seasons, as directed by the Agency.
6. **The employee works only during the employer's normal seasonal work period.**
  - a. If a worker begins work before the start of the employer's normal seasonal work period, or continues working past the end of the period, the worker will not be denied benefits when the season ends.

## Can “gig” workers or part-time only workers receive unemployment benefits?

No. “Gig” workers such as app-based delivery drivers and drivers for ridesharing services are considered independent contractors and are not eligible to receive unemployment benefits. Similarly, workers who only work part-time and who are only seeking to return to part-time work after they have lost their job are not eligible for unemployment benefits.

## What if I receive severance pay from my job?

Severance pay is a payment made by the employer when the employee is separated from the job. Severance pay is considered income similar to wages and is included in calculating your weekly benefit payment.

## How Severance Pay Affects Worker's Unemployment Benefits

The severance payment, like any other kind of "remuneration," will reduce unemployment benefits for the weeks to which the severance payment is allocated or distributed. If the payment is not allocated to a specific week or weeks by contract or by the employer, then the reduction in unemployment benefits will occur only in the week in which you actually receive your severance payment.

Depending on the amount of severance pay, your unemployment benefit can be affected in the following ways:

- If the severance payment for one or more weeks equals or exceeds 1.5 times your weekly benefit amount, then you are **not** entitled to any benefits for the week or weeks.
- Instead of a traditional lump-sum severance, sometimes an employer will pay severance over time. This type of severance will prevent the employee from receiving unemployment insurance until after the final payment is made. For example, if the person receives six months severance, then he or she may not be eligible for unemployment insurance until after the six-month period has ended.

## How Lump Sum and Salary Continuation Payments Affect Unemployment Benefits

- If an employer makes a lump sum severance payment at the time the worker is separated from a job but allocates the severance payment to a week or weeks other than the week in which the payment is made, then the worker's weekly unemployment benefits will be reduced in each claimed week to which the severance payment is allocated.
- If the employer makes a lump sum severance payment but **does not** allocate that severance payment to a week or weeks, then the severance payment will reduce the unemployment benefits only in the week in which the lump sum severance payment is made.
- If the employer makes weekly or monthly payments of severance pay (sometimes referred to as salary or wage continuation payments), that severance payment will be used to reduce unemployment benefits in the week in which it is paid, unless the employer allocates the severance payment to other weeks.

## **How do I verify my identity for my unemployment benefits claim?**

### What documents are accepted to verify my identity?

**Accepted ID Verification Documents** are listed below. For a complete list of other acceptable documents, go to Form I-9, *Employment Eligibility Verification*, at <https://www.uscis.gov/i-9>.

- US Passport or US Passport Card,
- Permanent Resident Card or Alien Registration Receipt Card,

#### **OR BOTH**

- Driver's license or ID card **AND**
- Social Security Card or Original or certified copy of birth certificate

### How do I verify my identity online?

Follow the steps below to verify your identity using your MiWAM account. You can use a smart phone to submit documents using the same steps as you would using a computer.

1. Log into your MiWAM Account at [michigan.gov/uia](https://michigan.gov/uia)
2. Under “Alerts” on your dashboard click the “VERIFY YOUR IDENTITY HERE” link.
3. Enter the **Letter ID**, found on **Form UIA 6347, Request for Identity Verification**
4. Upload ID verification documents
5. Once submitted, you will receive a confirmation of submission.
6. You will receive a notice once your identification has been verified.

If you no longer have Form UIA 6347, you will need to follow the steps previously emailed to you by the Agency to send them a message. Click on the “Send Unemployment a Message” link under the “I Want To” tab. There you can send a message and attach a copy of your identity verification documents.

### How do I verify my identity if I do not have access to a computer?

If no technology is available, a completed UIA Form 6347 can be faxed along with a copy of the required documents to 517-636-0427 or mailed to PO Box 169, Grand Rapids, MI 49501-0169. Please note that fax or mail is not the quickest option to resolve the issue.

## **I think someone has stolen my identity and used it to apply for unemployment benefits. What do I do?**

Identity theft occurs when someone other than you uses your personal information, such as your address and Social Security Number, to commit fraud by submitting a fake application for unemployment insurance benefits. Unemployment identity theft not only causes inconvenience for you in claiming benefits, if the Agency holds you responsible it could result in wages being garnished, tax refunds being intercepted by the state or the IRS, and more.

Identity theft is often discovered when:

- An individual receives a form from the Unemployment Insurance Agency, typically a Monetary Determination (Form 1575C), with someone else’s name on it.

- An individual attempts to file an unemployment claim and one already exists for them.
- An individual receives an IRS statement of benefits collected (Form 1099G) from unemployment insurance.
- An individual is notified by their employer that a claim for benefits has been filed when the individual is still employed.

Other signs that an individual may have been affected:

- Request for information from Unemployment Insurance.
- IRS letters about underreporting of benefits you've supposedly received.

**If you suspect that you are a victim of identity theft, report it to the Unemployment Insurance Agency immediately.**

- Report fraud online by visiting the Michigan Unemployment Insurance Agency website and following instructions after selecting the "Report Fraud or Report Identity Theft" link.
- Download and complete *UIA Form 6349 – Statement of Identity Theft* from the Unemployment Insurance Agency website. Once you have completed the form, there are three ways to submit it.
  - MiWAM (preferred) – Use the "Send UI a Message" link in your MiWAM account and submit the form as an attachment.
  - Mail – Unemployment Insurance, PO Box 169, Grand Rapids MI 49501
  - Fax – 517-636-0427
- In instances where it is confirmed that a payment has been made as a result of unemployment identity theft, report the payment to the IRS as a fraudulent payment by completing an IRS affidavit, Form 14039. Obtain the form online at [irs.gov](https://www.irs.gov). Click on "Forms and instructions".

## **What do I do if my claim for benefits is denied?**

### **Why would I be denied for benefits?**

There are numerous reasons why the Unemployment Insurance Agency may have denied your claim for unemployment benefits. Some of the most common reasons have to do with the reason you were separated from your job. Examples of separation related issues that could disqualify you from unemployment include:

- Quitting voluntarily without good cause attributable to your employer
- Being fired for misconduct connected with your work, such as being intoxicated while at work, theft, willful destruction of property, failing a drug test, failing to report to work for three consecutive days without notifying your employer ("three days, no call/no show")
- Refusal of suitable work or lack of availability for work

### What are some reasons that the Agency might consider good reason to quit?

In most cases, if you chose to quit your job you will not be considered qualified for unemployment benefits. However, you may still be able to get benefits if your employer gave you a good reason to quit. Some examples of good reasons to quit may be:

- You experienced harassment or discrimination in the workplace and your employer failed to fix the problem;
- Your employer asked you to do something illegal or unethical;
- You were told you will be laid off soon or forced to retire;
- Your income was reduced or not paid;
- There was a significant change in working conditions or terms of employment;
- You are not being paid enough to make a living;
- Your work conditions put you at serious health risk;
- You left to accept a full-time job; or
- There were unreasonable schedule changes.

### How do I protest or appeal the Determination denying my unemployment benefits?

If you are found to be disqualified or ineligible, and you disagree with the decision, you have the right to protest a determination or appeal a redetermination.

#### **Protests**

A Determination is the first level of UIA decision making. If the Determination is not in your favor, you may submit a statement protesting the decision. Your statement should indicate the reason(s) you disagree with the decision. A protest must be received within 30 days from the mail date on the Determination.

When protesting late, you should include an explanation of why the protest is late. The address and fax number for your protest will be included on the Determination.

#### **How to submit your protest through MiWAM:**

After accessing your MIWAM account:

1. Click on the claim ID of the involved benefit year to view the details.
2. Next, click on "Determination Status," and then click on "File a protest" or "File appeal" for the issue you wish to protest.
3. Complete all the required fields and use the "add feature to include any documentation/evidence you would like to include with your protest.

#### **After you have requested a hearing:**

Once your request for a hearing before an Administrative Law Judge is received and scheduled. You will receive a hearing notice in the mail with the date, time and location of your hearing. There will also be information regarding Advocacy Assistance. You can request Advocacy Assistance via your MiWAM account or by calling 1-800-638-3994 and selecting option #2 after your hearing has been scheduled. Please continue to certify using your MiWAM account or you can still call MARVIN on your scheduled certification week.

## **Appeals**

A Redetermination is issued after a protest is received by UIA. If the Redetermination is not in your favor, you have the right to appeal. The address and fax number for your appeal will be included on the Redetermination. When appealing late, you should include an explanation of why the request for appeal is late.

Appeals are handled by the Michigan Office of Administrative Hearings and Rules (MOAHR). You will receive a Notice of Hearing by mail. MOAHR is not a part of the Unemployment Insurance Agency, so all documentation needs to be submitted to the office listed on your Notice of Hearing. After receiving the notice, you will be scheduled for a hearing with an administrative law judge (ALJ). Other interested parties, representatives from UIA and your employer will also receive a notice. Hearings may occur by phone or in person. See your Notice of Hearing for more details.

### **Unemployment Insurance Appeals Commission**

Once an ALJ has issued a decision, you will receive it by mail. If the decision is not in your favor, you have the right to appeal to the Unemployment Insurance Appeals Commission (UIAC). This appeal is required to be filed in writing and can be received by mail or fax. See your decision issued by the ALJ for the correct address and fax number for your appeal. An appeal of the ALJ's decision must be received by UIAC within 30 days from the mail date of the decision.

### **Circuit Court**

You can appeal a decision from the UIAC to circuit court. However, filing at circuit court does require filing fees. Any costs or fees associated with appealing to the circuit court are then paid by the person requesting the appeal. To be on time, any appeal to a circuit court must be received within 30 days from the mail date on the UIAC decision.

### **Important – continue to certify for benefits and perform work search**

While your protest or appeal is ongoing, continue to certify on time using MiWAM or MARVIN during your reporting week(s) until you return to full-time work. This will protect your right to receive benefits if the issue on your claim is settled in your favor. If you win your case, you will only be paid for the weeks you certified on time.

### **[How do I get help with my unemployment appeal?](#)**

After you appeal your redetermination to the MOAHR, an advocate may be able to assist you at the hearing. This service is free to unemployed workers and employers. However, if the administrative law judge finds that you have committed fraud you must pay the cost of the advocacy services. If you would like the assistance of an advocate, once you have received your Notice of Hearing, call the Advocacy Program at 1-800-638-3994. Some restrictions in service may apply.

Additionally, you can find a list of advocates across the state who are willing to help with unemployment insurance appeals by visiting the website for the Unemployment Insurance Appeals Commission and clicking on “[Find Legal Help](#)”.

### What happens if I am late in submitting my protest or appeal?

If you got a Determination or Redetermination denying your benefits or an overpayment notice and you disagree with it, you can protest and ask the Agency to look at your claim again. The Agency must get your written protest within **30 days** from the date it is issued. Each letter will have a due date printed on your determination for when the protest is due. If the Agency doesn't get your protest within 30 days, you must show good cause why it was late.

Good cause can be very hard to prove. If you can't show good cause, the decision that you were overpaid will become final. Some examples of good cause include:

- An administrative or clerical error is discovered
- You had a legitimate inability to act earlier
- You did not receive notice of a decision
- The notice or decision arrived late in the mail and you could not respond sooner
- You were misled by incorrect information from the UIA

### What is an overpayment?

An overpayment occurs when the Unemployment Insurance Agency has determined that you received unemployment benefits that you were not entitled to. This could occur if you made a mistake when certifying for benefits, if you were not able or available to work, or you knowingly gave false or misleading information when filing a claim.

If you are overpaid unemployment benefits, you will receive a letter notifying you of the overpayment and how to start the repayment process. If you have been overpaid benefits and are currently employed, contact the UI Benefit Overpayment Collection Unit at 1-866-500-0017 to arrange repayment terms.

If you are still receiving unemployment benefits while you have an overpayment, 50 percent (or 100 percent if fraud was involved) of your weekly unemployment benefits will be taken for repayment (this is called recoupment). Interest on overpayments is one percent per month. Interest accrues daily and will continue to accrue until the total amount due is paid.

Failure to repay benefits improperly received can also result in:

- Garnishment of your wages.
- Your Federal and State of Michigan income tax refunds can be taken to pay the debt.
- Lottery winnings you claim in excess of \$1,000 may be intercepted.
- Your claim being referred for criminal prosecution as a felony.
- You may not be able to receive future benefit payments.

### Protesting An Overpayment

Just like if you are denied unemployment benefits when you initially apply, you can protest and appeal a determination from the Unemployment Insurance Agency that you owe an overpayment. The process is the same – see “What do I do if my claim for benefits is denied?”.

## **Can I receive a waiver to not have to pay for my overpayment?**

### **Requesting a Waiver Due to Financial Hardship**

If you can't pay the overpayment amount that you owe, you can ask for a Financial Hardship Waiver by clicking on the Claimant Services Tab in your MiWAM account and filling out the application.

If the Agency denies your Financial Hardship Waiver, you can appeal to an ALJ. Read "Appealing a Protest" above to learn more. If the Agency denies your protest and appeal and still says you owe the money, you can use this waiver process to argue that even if there is an overpayment, you should not have to pay it back.

In some situations, the Agency may send you actual bills for an overpayment. If this happens, you can use the same Financial Hardship waiver process. To do this, go to your [MiWAM account](#) and click on the Claimant Services Tab. Select "Request Restitution Waiver for Financial Hardship" and fill out the application.

For more information on the Financial Hardship Waiver and how to find it on your MiWAM account, visit page 89 of the [MiWAM Toolkit for Claimants](#).

### **Requesting a Waiver Due to Agency Error**

If you believe you are eligible for benefits and the Unemployment Insurance Agency made a mistake, you can ask for a waiver due to agency error. There is not an application for this on MiWAM, but you can ask for the waiver by going to your main account page and finding the link "Send Unemployment a Message".

Ask the Agency to issue a determination to tell you if the overpayment is the result of the Agency's error. For example, a message to the Agency could say "I am writing to ask that the Unemployment Insurance Agency send a determination saying whether or not the overpayment is the result of agency error." After the Agency responds and issues a determination, you can protest or appeal a denial of the agency error waiver as you would any other determination.

## **What is unemployment fraud?**

Fraud is intentional misrepresentation of information to the Unemployment Insurance Agency to receive benefits you are not entitled to. If you conceal or misrepresent any eligibility information that can affect your benefits, the Agency might decide you've committed fraud. If the numbers you report don't match the numbers your employer reports, the Agency might decide you've committed fraud.

If the Agency suspects that you have committed fraud, you will receive a Notice of Determination through your chosen communication method (MiWAM and/or mail) that will indicate that you are being accused of an intentional misrepresentation. If you get a determination that says you have intentionally misrepresented information to the Agency, it may include information about money you have to repay. The Agency may report you to the Michigan Attorney General's office for criminal prosecution/investigation. If you are found to have committed fraud, you may have to repay two times as much you got in unemployment benefits.



If you disagree with the determination, you can protest the determination. To be considered on time, the Agency must receive your protest within 30 days of when it mailed or sent the determination.

### **What do I do if I make a mistake in the information I report?**

If you made a mistake giving information online or over the phone, immediately send a message through your MiWAM account or call the Customer Service line at 1-866-500-0017. By contacting the Unemployment Insurance Agency immediately, you can prevent a finding of fraud. Though, if you have already received benefits that you were not entitled to because of the mistake you may have to repay them to the Agency.