



Legal Aid
Society
of Hawai`i

Unemployment Benefits How to Apply

This brochure may be helpful to you if you recently lost your job (you quit or were fired) and want to apply for Unemployment Benefits.

For more information on good cause and misconduct, see Legal Aid's brochure "Unemployment Benefits: Good Cause Vs. Misconduct"

What are Unemployment Benefits ("UIB" benefits)?

"UIB" is a federal financial program administered by the State which collects and distributes funds to a person who has previously worked but is now unemployed.

Both the employer and the State deposit money into the unemployment fund. If claims are paid out, the employer's unemployment insurance premiums may go up.

You May Be Eligible to Receive UIB If:

- You were fired for any reason except misconduct; OR you quit with "good cause" AND
- You worked long enough to qualify for benefits.

What is "good cause?"

"Good cause" is when there is a real, substantial, or compelling reason for quitting. It is a reason that would cause another employee, who is reasonable and sensible, and wants to keep their job, to take similar action. An employee who quits for "good cause" must have tried reasonable alternatives before terminating the employment, such as speaking to a boss or supervisor about the problem.

"Good cause" includes:

- change in working conditions so that the change is prejudicial or harmful to your health, safety, and morals.
- change in the terms and conditions of employment, including change in rate of pay, position or grade, duties, days of work, or hours of work.
- discrimination that violates federal/state laws.
- change in your marital or domestic status.
- acceptance of a definite, firm job of another employment where the offer is later withdrawn and the former employer refuses to rehire you.
- retirement under a mandatory requirement imposed by a collective bargaining agreement.
- any other factor relevant to a determination of "good cause."

"Good cause" DOES NOT include:

- boredom
- tired
- no desire to work at this time

What is voluntary separation?

Voluntary separation is when an employee voluntarily leaves work without good cause. Employees who fall into this category DO NOT qualify for unemployment benefits.

What is misconduct?

If you were fired for misconduct, you ARE NOT eligible for unemployment benefits. Incidents of misconduct have to be related to your job. It cannot be for something outside of your work.

Misconduct is an action that shows:

- a willful or wanton disregard of the employer's interests
- a deliberate disregard of the standards of behavior which the employer has a right to expect from an employee
- carelessness or negligence of such a degree as to show wrongful intent or evil design

Misconduct includes:

- regularly skipping work or showing up late to work
- a fight at work (sometimes even just yelling)
- lying to the employer about something important and related to your job
- a complete disregard of duty
- intentional disregard of employer's orders
- employee insubordination
- stealing employer's property
- unauthorized use of drugs or alcohol while on the job
- intentionally causing substantial damage to employer's property or equipment

Misconduct IS NOT:

- mere inefficiency
- unsatisfactory conduct
- poor performance because of inability or incapacity
- isolated incidence of ordinary negligence
- good faith errors in judgement

I Want to Apply For UIB. What Must I Do?

To apply for benefits, you need to complete two things:

- 1) Go down to the UIB office and file a claim.
See "References" on page 4 to find phone numbers.
- 2) Register for work at the local Unemployment Insurance Claims Office, which is usually the office next door to the UIB office (ask if you cannot find it).

The Process of Filing

Filing for UIB benefits could take some time, so plan to be there awhile.

The Process:

1. Once you have completed the application at the office, a claims examiner will consider your claim by looking at the forms you filed, and may interview you to ask questions.
2. After the interview, you need to go next door and register for work with the jobs program.
3. Once you've completed the forms and the job registration, you need to sign up for a mandatory class on the UIB process and your obligations.

How the Claims Examiner Reviews the Claim

Once you've completed the forms, the claims examiner sends a notice to your former employer to give him/her a chance to respond to your claim.

The UIB office looks for several things when deciding whether you should get benefits:

- 1) you have made a claim for benefits according to the rules of the department
- 2) you have registered for work at and continue to report at an employment office in accordance to the rules of the department, unless the department waives or alters the rules for your individual needs
- 3) you are able and available to work. This means that you are not disabled/ill and you are available for full-time work.
- 4) you were employed by an insured employer and worked the appropriate amount of time

The claims examiner sends you the decision by mail. There is no deadline for the office to make a decision, but usually a decision is made within two to four weeks.

After the decision is made

If the Claim is NOT Accepted

If your claim for benefits is denied and you think you should get benefits, you must appeal. To appeal, you must submit an appeal within 10 calendar days of the date on the notice.

If the Claim is Accepted

If you are approved for benefits, you need to report to the UIB office every other week, and update them on your on-going search for employment.

Your employer has 10 calendar days to appeal the decision. You will receive benefits even if your employer appeals. However, if your employer wins the appeal, your benefits will be cut off.

Useful Names and Numbers

Legal Aid Society of Hawai'i
<http://www.legalaidhawaii.org>

Legal Hotline Open Monday to Friday
9:00 - 11:30am
1:00 - 3:30pm

OAHU: 536-4302 MAUI: 242-0724
HILO: 934-0678 KONA: 329-8331
KAUAI: 245-7580 LANAI: 565-6089
MOLOKAI: 553-3251

Unemployment Office

OAHU:

Honolulu Office 586-8970 / 8971
Kaneohe Office 233-3377
Waipahu Office 675-0030

MAUI: 243-5377

BIG ISLAND:

Hilo Office 933-4461
Kona Office 322-2724

KAUAI: 241-3485

To find a private attorney:
Yellow pages or
Lawyer Referral Service
Oahu: 537-9140
Neighbor Islands can call collect.

Legal Terms

Claim your application for UIB benefits is called a claim

Claims Examiner the person who will review your claim for unemployment benefits

Good Cause a reason for doing something that is a legally valid reason

Misconduct behavior that is purposely not appropriate to a situation

Voluntary Separation when a person chooses to leave without good cause

Other Related Brochures:

- UIB Benefits: How to Appeal
- UIB Benefits: How to Prepare for Hearing
- UIB Benefits: Good Cause vs. Misconduct



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