

# Unemployment Claims Sample Scenarios

These scenarios may assist you in determining whether there is good cause to contest a claim; however, only the unemployment commission can make a determination regarding benefit awards, and the commission may disagree with an employer's opinion regarding unemployment eligibility.

## **Example 1**

### ***Scenario***

ABC Company has a clear policy on absenteeism. Employees are required to call into work two hours before the start of their shifts and to speak with either a manager or a supervisor if they are unable to come into work. If employees do not follow this procedure, their absences are considered unexcused. ABC Company has a progressive absenteeism policy in which employees will go through various stages of discipline as unexcused absences increase, ultimately leading to termination if employees experience seven unexcused absences within a 12-month period.

Jane has not been following ABC Company's policy with regard to unexcused absences. After the first time she left a message saying she was unable to come into work, her supervisor spoke with her and reminded her of the company policy. Her supervisor also explained to Jane that this absence would be considered unexcused. After repeated unexcused absences, Jane was terminated per company policy.

### ***Determination***

Excessive absenteeism is considered willful misconduct when not based on an employee's illness or disability. When Jane files for unemployment, ABC Company should participate in the claim hearing and provide the unemployment commission with the records of Jane's unexcused absences. The employer should also provide the commission with a copy of the company policy and instances when the policy was explained to Jane, such as a signed acknowledgement from the employee handbook with this policy, issued to Jane.

## **Example 2**

### ***Scenario***

ABC Company has experienced a slowdown of widget orders over the last few months. Because of this loss of business, ABC Company can no longer afford to employ all 10

widget makers it has on staff, nor does it have enough work for these widget makers to perform. ABC Company has decided to lay off a widget maker, and John is notified that his employment will be ending due to lack of work.

***Determination***

In this scenario, John has lost work through no fault of his own. He has a legal right to unemployment. Therefore, challenging John's unemployment claim would not be an efficient use of time or resources for the employer.

**Example 3**

***Scenario***

Sally has been unhappy working for ABC Company for some time. Because of this, she has decided to seek employment elsewhere. Sally receives an offer of employment from another employer and submits a letter of resignation to ABC Company. A week after leaving ABC Company, Sally learns that her offer with her new employer has been rescinded. She files for unemployment.

***Determination***

In this scenario, Sally has willfully left her employment with ABC Company, and ABC Company should participate in the fact-finding hearing and explain to the unemployment commission that Sally would still be employed with ABC Company had she not voluntarily resigned from her position. Sally's eligibility for unemployment compensation will be dependent on state law and review of the specific circumstances relevant to the termination to determine if Sally will be awarded unemployment.

**Example 4**

***Scenario***

Bob is currently going through a divorce and now has child care issues that he did not experience previously. He has asked ABC Company if it would consider reducing his hours from full time to part time so that he can care for his children. ABC Company agrees to the reduction in work hours. Once Bob begins working the new schedule, he realizes that he cannot afford to work only 20 hours per week. He files for partial unemployment.

***Determination***

Bob has willfully reduced his hours; therefore, he would not be eligible for unemployment compensation. ABC Company should participate in the claim hearing and present evidence showing that Bob's reduction in work hours was voluntary.

## **Example 5**

### ***Scenario***

ABC Company is experiencing a slowdown in sales and would like to temporarily reduce the hours of the sales team from full time to part time. When business picks up again, it is likely that the sales department's hours will increase. This loss of wages causes several members of the sales force to apply for partial unemployment.

### ***Determination***

Because the sales team has lost hours and wages through no fault of its own, team members may be eligible for partial (or supplemental) unemployment income. Therefore, it would not be in the employer's best interest to participate in the claim hearing.