

1. Shall report to the unemployment claims office as soon as possible; and
2. Shall also comply with the assigned telephone or mail reporting instructions.

(d) A claimant who, without "good cause," as defined in N.J.A.C. 12:17-4.1, refuses to report for the purpose of participating in, or to complete a scheduled activity (for example, claims interview, work search etc.) at the unemployment claims office or employment service office shall be ineligible for benefits for the week in which the refusal occurred and indefinitely until such time as he or she participates.

(e) A claimant who fails to comply with reporting requirements by any method directed by the Division shall report in person to the unemployment claims office to claim benefits. Eligibility for completed weeks of benefits shall be determined as follows:

1. Unless the claimant has "good cause," as defined in N.J.A.C. 12:17-4.1, for failing to report timely by the method directed by the Division, the claimant shall be ineligible for benefits for the designated benefit period on the certification.

2. Unless the claimant has "good cause," as defined in N.J.A.C. 12:17-4.1, for failing to report in person to either an unemployment claims office or employment service office, the claimant will be ineligible for benefits for the week in which he or she failed to report and until the week in which the claimant reports to the unemployment claims office in person.

3. If the claimant has "good cause," as defined in N.J.A.C. 12:17-4.1, for failing to report to a scheduled in-person appointment at an unemployment claims office or employment service office, and does not report as soon as possible after the good cause for not reporting no longer exists after the scheduled appointment, the claimant shall be ineligible for benefits for the week in which he or she failed to report until the week in which the claimant does report to the unemployment claims office in person.

4. If the claimant had "good cause," as defined in N.J.A.C. 12:17-4.1, for not reporting, he or she shall be eligible for all or some of the completed weeks, only if the claimant reported as soon as the good cause for not reporting no longer existed and otherwise met the eligibility requirements for benefits.

12:17-4.4 Reporting claim information after leaving reporting status

(a) When the Division mails the claimant a request for information to resolve an eligibility issue which existed during a week previously claimed, the claimant's response is timely if it is postmarked or received in the unemployment claims office within 14 days from the date the request was mailed to the claimant.

(b) If the claimant fails to respond timely to the request for information, the Division may make a determination of benefit eligibility based upon available information.

12:17-4.5 Proof of claimant identification and address

(a) Each claimant who files a claim for benefits shall present proper identification, including a valid Social Security card and other documentation showing the claimant's legal name and address.

1. If a claimant is unable to present a valid Social Security card for the Division to verify, or if departmental records indicate any discrepancies with the Social Security number presented, the claimant shall obtain a duplicate Social Security card to resolve any discrepancies. The claimant shall be given eight weeks from the end of the week in which the request was made to present a valid Social Security card, unless "good cause," as defined in N.J.A.C. 12:17-4.1, for extension of this time period is shown. Benefits may be paid to the claimant during this period if he or she is otherwise eligible.

2. Any claimant who refuses to cooperate with the Division in its efforts to verify the validity of the Social Security number and fails to present the required documentation within the required time frame shall be held ineligible for benefits from the date of claim and liable to refund any benefits previously paid.

(b) A claimant shall provide the Division with his or her address at the time the claim is filed. The claimant shall also provide the Division with any change of address for up to one year after the expiration of the claim.

12:17-4.6 Forms prescribed for filing unemployment benefit claims

Initial and continued claims for unemployment benefits shall be made on the appropriate forms indicated below which are prescribed by and available from the Division:

Initial Claim Forms

BC-4A	Claim for Unemployment Benefits
BC-474	Claim for Unemployment Benefits During a Temporary Mass Layoff
BC-474A	Additional Claim for Unemployment Benefits During a Mass Layoff
BC-474P	Claim for Unemployment Benefits During Mass Layoff

Continued Claim Forms

BC-8M	Mail Claim for Benefits
BC-8M.1	Mail Claim for Benefits

Additional Claim Form

BC-4	Additional Claim for Unemployment Benefits
------	--

12:17-4.7 Benefit determination notice

(a) A notice of monetary or benefit eligibility shall include a statement of appeal rights. Unless good cause exists, as provided in N.J.A.C. 12:20-3.1(i), all determinations shall be appealed in person or in writing within seven days from the date of receipt or 10 days from the date of

mailing of the notice. Appeal procedures are found at N.J.A.C. 12:20 and 1:12.

(b) The Division shall provide to a claimant a written determination of the information used to determine monetary eligibility and a written notice if he or she is found ineligible or disqualified for benefits.

(c) The Division shall provide to a claimant's chargeable employer a written determination including the portion of the claimant's monetary entitlement which is based on work with that employer. When an employer is an interested party to an adjudicated issue, the Division shall provide the employer with a written determination of the claimant's benefit eligibility. For the purpose of this section, an interested party is a chargeable employer on the claim or the employer from whom the claimant was most recently separated as of the date of initial claim for benefits who has information which is relevant to the adjudicated issue.

12:17-4.8 Refusal to cooperate with quality control reviews

(a) A claimant shall be determined ineligible for unemployment benefits if he or she, without "good cause," as defined in N.J.A.C. 12:17-4.1, fails to report as directed for a quality control review interview, or fails to cooperate in a quality control review of the claim.

(b) A claimant shall be determined to be ineligible as of the week in which the failure to report for a quality control review interview or the refusal to cooperate occurs, and shall remain ineligible until such time as he or she agrees to cooperate with the review.

(c) Any employer or employer's agent who, without "good cause," as defined in N.J.A.C. 12:17-4.1, refuses or fails to provide wage information, separation information, dates of employment, work search verification, or other information required by the quality control program will be found to have refused to provide reports deemed necessary for the administration of the Unemployment Compensation Law, and shall be subject to the penalties set forth at N.J.S.A. 43:21-16.

12:17-4.9 Reporting to claim benefits after one year

A request for payment of a benefit week(s) made more than one year after the claim has expired, or more than one year after a final decision of eligibility, whichever is later, shall be denied unless there is "good cause," as defined in N.J.A.C. 12:17-4.1, for a late request.

SUBCHAPTER 5. MONETARY REQUIREMENTS FOR BENEFIT ELIGIBILITY

12:17-5.1 Basic eligibility requirements

(a) To be eligible for benefits an individual during his or her base year period, consisting of the first four of the most recent five completed calendar quarters preceding the date of the claim, shall have met the following requirements:

1. Established at least 20 base weeks as defined at N.J.S.A. 43:21-19(t)(2)(A) as an amount equal to 20 percent of the Statewide average weekly wage;

2. If the individual has not met the requirement in (a)1 above, he or she must have established 20 base weeks as defined at N.J.S.A. 43:21-19(t)(2)(B) as an amount equal to 20 times the State minimum hourly wage;

3. If the individual has not met the above requirements in (a)1 or 2 above, he or she must have earned an amount equal to 12 times the statewide average weekly wage, promulgated in accordance with N.J.A.C. 12:15-1.6; or

4. If the individual has not met the above requirements in (a)1, 2 or 3 above, he or she must have earned an amount equal to 1,000 times the State minimum hourly wage.

5. If the individual has not met the requirements in (a)1, 2, 3 or 4 above, he or she must have performed at least 770 hours of service in the production and harvesting of agricultural crops.

Case Notes

Financial corporation liable for unemployment and temporary disability insurance assessments for computer expert hired to debug system since expert did not qualify as independent contractor. *Jonassen and Associates, Inc. v. Department of Labor*, 97 N.J.A.R.2d (LBR) 9.

Pharmaceutical consulting firm liable for unemployment and temporary disability insurance assessments for consultants since these experts failed to qualify as independent contractors. *Kessler v. Department of Labor*, 97 N.J.A.R.2d (LBR) 7.

12:17-5.2 Alternative base years

(a) If an individual does not qualify for benefits pursuant to N.J.A.C. 12:17-5.1 during the base year, he or she may use wages paid during an alternative base year consisting of the most recent four completed calendar quarters preceding the date of the claim.

(b) If the individual does not qualify for benefits using wages paid in the alternative base year provided in (a) above, he or she may use wages paid during the current calendar quarter up to the date of the claim and the three previous completed calendar quarters.

12:17-5.3 Exceptions to the use of alternative base years

Alternative base year periods may be used to qualify for benefits only when an individual cannot qualify for benefits due to insufficient base weeks and/or wages during the regular base year period. An alternative base year period may not be used when an individual's ineligibility is caused by a wage credit reduction due to his or her disqualification for gross misconduct. Similarly, an alternative base year may not be used when an individual's ineligibility for benefits is caused by the individual's corporate officer or ownership status, or the individual's employment with an educational institution.

12:17-5.4 Use of wages to qualify for benefits

(a) If wages from a base year or an alternative base year are required to establish a valid claim, those wages cannot be used again to establish any future claim(s).

(b) If wages are required from the most recent completed calendar quarter, all the wages paid in that quarter shall be used.