



# US VIRGIN ISLANDS DEPARTMENT OF LABOR

## Unemployment Insurance Division



## Claimant Handbook

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# Claimant Benefit Rights and Responsibilities

## A Guide for Receiving UI Benefits

This handbook is issued by the United States Virgin Islands Unemployment Insurance (UI) Division. It contains specific information about your Unemployment Insurance (UI) benefit **rights** and **responsibilities**, in compliance with the United States Virgin Islands Unemployment Insurance laws. However, the information is not intended to cover all provisions of the law. Please feel free to contact the Unemployment Insurance Division, in person or by calling the telephone number(s) listed in this handbook, for more detailed information regarding your claim. Your primary responsibility as a UI claimant is to understand the information contained in this handbook.

**NOTE:** It is your responsibility for keeping this booklet in proper condition.

### **READ THIS HANDBOOK COMPLETELY AND CAREFULLY**

Failure to follow the instructions in this handbook, to make timely inquiries when necessary, to report as directed, to file required documents in a timely manner, or to file claim forms as directed, may result in delay, denial or loss of your unemployment insurance (UI) benefits. Do not rely on advice from family, relatives or friends.

If there are any questions or concerns regarding your claim, please contact the United States Virgin Islands Department of Labor, Unemployment Insurance (UI) Division office. Also, visit our website at [www.vidol.gov](http://www.vidol.gov)

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## **Background**

The Unemployment Insurance (UI) program had its legal origin under the 1930's Social Security Act. Each State within the United States of America operated its own unemployment insurance program based on Federal laws and guidelines. The requirements for eligibility and the amount of UI benefits payable were determined by the individual States in compliance with these laws and guidelines. In June 1961, the United States Virgin Islands' Legislature added Chapter 12 to Title 24 of the US Virgin Islands Code which declared, among other things, that "economic insecurity is a threat to the health, morals, and welfare of the people of the US Virgin Islands. The law is intended to provide for the continued economic stability of the US Virgin Islands." This law, as enacted and amended, is referred to as the United States Virgin Islands Unemployment Insurance Act of 1961. Unemployment Insurance (UI) benefits are financed primarily from a tax on employers' payroll, which is deposited on behalf of the US Virgin Islands government into a Federal Trust Fund. Monies from this fund are only used to pay UI benefits to **eligible** unemployed US Virgin Islands workers when they are separated from employment (laid-off) through no fault of their own. It is worth noting that **no deductions are made from employees' wages** in order to pay unemployment insurance (UI) benefits. Unemployment Insurance (UI) benefit is a privilege provided that you, the claimant, meet all the eligibility requirements of the law.

## **The Process**

Every unemployment insurance claimant, like you, must provide the following information when filing for Unemployment Insurance (UI) benefit:

- Identification Card:** Alien Resident Card, Driver's License, or any other valid and legally acceptable form of identification
- Social Security Card**
- Last Employer's Separation (laid-off/discharged) Letter**
- Last Check Stub(s)**
- DD-214 Form** (US Military)
- SF-8 / SF-50 Form** (Federal Civilian).

After your initial claim has been established, you, the claimant, will receive a **claim package** within two (2) weeks. If you do not receive your claim package, please contact the Unemployment Insurance (UI) Division office.

### **Your Claim Package Will Contain the following Forms:**

- Initial Claim
- Monetary Determination
- Certification
- Work Search
- Other pertinent documents

### **Once You Receive Your Claim Package Documents, Make Sure That:**

- Your Social Security Number, Mailing Address, E-mail Address and Zip Code are correct on all required forms.

-Your Name and Signature are correctly spelt on all required forms.

-You, the claimant, have provided your correct Home and/or Work Telephone Number(s) on all required forms.

-You, the claimant, have completed all required forms legibly, accurately, and in sufficient detail.

## **Eligibility**

The requirements in order to receive Unemployment Insurance (UI) benefits vary between States. However, each State requires that the claimant qualify under both non-monetary and monetary determination.

### **Non-Monetary Determination**

-You, the claimant, are unemployed through no fault of your own.

-You, the claimant, are partially employed.

-You, the claimant, are able to, available for, and actively seeking work.

-You, the claimant, earned, at least, **\$858.00** in the highest quarter of your baseperiod.

-Your total wages must be, at least, oneandonehalftimes your highest quarter in the base period.

### **Monetary Determination**

-The form represents a wage transcript benefit computation.

-Monetary eligibility is based on you, the claimant, having enough wages from one or more employers who paid contributions into the Unemployment Insurance Trust Fund of the US Virgin Islands.

-The form does not determine qualification; it is a statement providing a possible weekly benefit amount (WBA) and an overall maximum benefit amount (MBA) should you, the claimant, be considered eligible for UI benefits.

-The form also lists all employers who had reported wages for you, the claimant.

### **Missing or Incorrect Wages:**

-You, the claimant, cannot receive Unemployment Insurance benefits on wages reported by an employer that you did not perform.

-You, the claimant, will be required to repay any Unemployment Insurance (UI) benefits which were received by you, for missing or incorrectly reported wages.

-In case of missing wages, you, the claimant, must provide all appropriate evidence (such as copies of check stubs, W-2 form(s) or any other legally accepted proof of employment), in order to verify that wages had been, in fact, earned/paid.

-You, the claimant, should be aware that if some employment was performed in another State, your wages may be combined in order to establish and/or increase the eligible benefit amount in the United States Virgin Islands.

## Base Period-Regular

Your regular base period is a twelve (12) month period, which consists of the first four (4) of the last five (5) completed **calendar quarters** before the effective date of the claim which you, the claimant, filed. Once the Unemployment Insurance (UI) Division has established a monetary eligible claim, the regular base period cannot be changed.

**The Calendar Quarters are determined as follows:**

**1st quarter** - January, February and March

**2nd quarter** - April, May and June

**3rd quarter** - July, August and September

**4th quarter** - October, November and December

**Note:** The accompanying charts are used to help illustrate how the base periods (both regular and alternate) are determined and calculated by the Unemployment Insurance (UI) Division. The shaded areas represent the regular Base Period. The non-shaded areas represent the month when the claim was filed.

## Base Period-Alternate

If there is insufficient wages in the Regular Base Period to establish a claim, then you, the claimant, may qualify using the Alternate Base Period.

Please note that the Alternate Base Period can **ONLY** be used when there is not enough wages earned in the Regular Base Period. **Note:** In accordance with Federal guidelines, you, the claimant, may not be eligible to receive Extended Benefits, if the claim falls within the Alternate Base Period.

**BASE PERIOD CHART**

If You File	Oct. 1 - Dec. 31	Jan. 1 - Mar. 31	Apr. 1 - Jun. 30	Jul. 1 - Sept. 30	Oct. 1 - Dec. 31
Jan - Mar	4th Qtr.	1st Qtr.	2nd Qtr.	3rd Qtr.	
Apr - Jun	1st Qtr.	2nd Qtr.	3rd Qtr.	4th Qtr.	
Jul - Sept	2nd Qtr.	3rd Qtr.	4th Qtr.	1st Qtr.	
Oct - Dec	3rd Qtr.	4th Qtr.	1st Qtr.	2nd Qtr.	

## Benefit Year

Your benefit year is valid for one calendar year, starting from the effective date that you, the claimant, filed the claim. This period is **52 weeks** from the beginning date of your filed claim. UI benefits remaining on the claim for that benefit year cannot be paid for weeks claimed after the claim expiration date. A new claim must be filed to determine eligibility.

**Note:** *This does not mean that you, the claimant, will receive benefits for an entire year. The monetary determination represents the maximum amount of benefits which will be received during the benefit year. The full weekly benefit amount can be paid for a total of twenty six (26) weeks.*

Under both United States Virgin Islands and Federal laws, wages that has already been used to determine the amount of UI benefits payable, cannot be used again in the future to file another UI claim.

## Claimant WBA, MBA and MPBA

### **Claimant Weekly Benefit Amount- (WBA)**

The amount that you, the claimant, may receive weekly is **1/26th** of the highest quarter in the base period, but not to exceed the maximum weekly benefit amount (WBA) allowed under United States Virgin Islands law. However, it will not be less than **\$33.00**. For example, if during your base period, the highest calendar quarter wages were **\$7763.00**, then your weekly benefit amount (WBA) would be **\$298.00**. Therefore, using the above calculation rule, **1/26th of \$7763 is \$298.00**.

**Claimant Maximum Benefit Amount- (MBA)** Your maximum benefit amount (MBA) is the amount of benefits available throughout the benefit year. This can vary between **13 to 26** times the weekly benefit amount.

**Claimant Maximum Potential Benefit Amount- (MPBA)** The maximum potential benefit amount (MPBA) for which you, the claimant, are eligible in any benefit year shall be an amount equal to the lesser of 26 times the weekly benefit amount, or one-third (1/3) of the base period wages. For example, if during the base period, the weekly benefit amount (WBA) was **\$298** multiplied by **26**, then your maximum potential benefit amount (MPBA) will be **\$7748.00**.

## Waiting Period

The laws of the United States Virgin Islands require that you, the claimant, serve an unpaid waiting period before receiving UI benefits. This means that you, the claimant, must certify for the week in question, and meet the same eligibility criteria as if the UI benefits of that week were to be received.

## **Partial Benefits**

If you worked less than full-time because your employer reduced your hours or if you were self-employed for part of a week, eligibility may be determined for partial benefits, which is less than what would be received for total unemployment during that week. Therefore, you must report all work and earnings during the week for which UI benefit is being claimed even if wages were not yet paid/received for that week.

You, the claimant, are not considered unemployed during the week that full-time work is being done, regardless of how much was earned, and, therefore, a claim should not be filed for that week. However, if you, the claimant, worked part-time during a week, there would be a weekly benefit entitlement amount less **\$0.75** for each dollar earned above **\$15**.

If your weekly benefit amount (WBA) is to be reduced because of earnings or other deductible income, and the result is not an even amount, the benefit paid is the next lower even dollar amount. For example, if the weekly benefit amount (WBA) for a week's total unemployment is **\$100** and you, the claimant, earned **\$25.50** during a week of partial unemployment, the benefit payment entitlement would be **\$92**. Amounts are always rounded down to the next lower even dollar amount if you are otherwise eligible and not disqualified. The first \$15.00 of your earnings is ignored and then \$0.75 for each dollar of earning is deducted from the weekly entitlement. **Example:** ( $\$25.50 - \$15 = \$10.50 \times 0.75 = 7.88 - \$100 = 92.12$  that is  $\$92.12$  rounded down to  $\$92.00$ ).

There may be other deductions from the weekly benefit amount (WBA) as explained below under disqualifying income. If you, the claimant, discontinue claiming benefits during the benefit year because you had returned to full-time work, but later became unemployed again, either totally or partially, you should contact the local Unemployment Insurance (UI) Division office in order to reopen a claim for Unemployment Insurance (UI) benefits.

## **Certification**

### **When Does a Claimant Certify?**

You, the claimant, must file a claim certification in order to receive UI benefits. The weeks for filing begin on Sunday and end on Saturday. If you attempt to file before the week has ended, the claim will not be accepted.

### **When Does a Claimant Begin Receiving Benefits?**

Once you, the claimant, have filed the weekly certification, a payment should be issued the following day, unless there are issues on your claim that are being investigated or you were not monetarily eligible at that point in time. Please note that payment will not always be received on the same day of the week. Payments may be delayed for various reasons, such as holidays, technical problems, or failure to respond to a request from the Unemployment Insurance (UI) Division office.

## **Late Certification**

If you, the claimant, file the weekly claim certification, **fifteen (15) or more calendar days after the weekend in question has ended**, unemployment benefits may not be paid to you for those back weeks, but the claim will be re-opened.

## **Certifying Via the Website Portal**

The Claimant Portal provides access to filing your weekly certification on-line via Internet which will expedite the payment of your benefits. The Portal will provide information on your claim, information on your last payment, and will allow you to file your weekly certification and your work search information electronically. Before you use the Claimant Portal, you will need to complete the "Username and Password Request Form". The local office will provide the website information, user ID and password. It will be necessary for you to have a valid e-mail address to utilize the system for accessing the website for filing the weekly certifications and work search.

## **Reporting Earnings and Income**

You, the claimant, must report the following during any week:

- Gross earnings whether or not you had received payment
- Self Employment
- Separation Pay: Vacation, Severance, Holiday, Bonus, In lieu of notice, Annual leave, etc.
- Commissions
- Retroactive Payments

**Note:** *All earnings should be reported in the week it was earned, and not when it was paid.*

## **Disqualification**

You may be monetarily eligible for unemployment benefits and still be denied such benefits. Any situation that may prevent you from receiving UI benefits is called an "ISSUE". If UI benefits are denied, you will be issued a determination in writing indicating the reason(s) for denial, the Section of the UI law under which the denial was based, and your Rights of Appeal.

### **You, the Claimant, May Be Disqualified for:**

- Being fired or suspended from the last job due to misconduct,
- Applied or currently receiving Worker's Compensation,
- Inappropriate reporting or non-reporting earnings,
- Reasons relating to a Labor Dispute (*Certain conditions apply*)
- Fraud / Misrepresentation,
- Voluntarily leaving your last job without good cause,
- Receiving retirement pay. (*Certain conditions apply*)
- Not being able to, available for and actively seeking work.
- Receiving payments such as severance, vacation, annual leave, holiday, bonus, in lieu of notice, back pay awards, etc., (*Disqualified only for a period of weeks*)
- Not being authorized to work in the U.S.,
- Being employed by an educational institution, (*Certain conditions apply*)
- Attending school or college and not being available for work,
- Refusing a bona-fide job offer or job referral for suitable work
- Failing to accept work or failing to participate in reemployment services,
- Being on Maternity Leave.

## **Appeals**

You, the claimant, must file an appeal within the time limits stated in the determination notice. This important step cannot be delayed or you may be denied the right to have a full hearing on the merits. The appeal request must be in writing and may be in the form of a letter clearly requesting and providing the reason(s) for the hearing. The letter has to be attached to an appeal form, which you can obtain from the Unemployment Insurance (UI) Division. Your employer(s) also reserves the right to appeal the decision.

You, the claimant, will later be given a notice in writing indicating where and when the appeal hearing will be held. You may present all relevant evidence and witnesses during that hearing. However, you must attend the appeal hearing, in person; otherwise you may lose that appeal for failure to appear. Note: If you are outside the VI territory your appeal hearing will be telephonically.

If you, the claimant, disagree with the decision of the Appeal Examiner, you may file an appeal with the Superior Court of the U.S. Virgin Islands. You must file such an appeal within the time limits as stated on the Notice of decision from the Appeals Examiner and follow the courts' procedures.

### **If You, the Claimant, Continue To Be Unemployed While The Appeal Is Still Pending:**

You must continue to file your Certifications as usual for each week you are unemployed, continue seeking employment and meet all other eligibility requirements. Even though an appeal decision may find you eligible for benefits, no weeks will be paid for which you have not filed a claim in accordance with the requirements.

***Note:** You, the claimant, must continue the certification process and comply with the eligibility requirements. If the final decision is made on your behalf, then benefits will be received for those weeks in question.*

### **Continuing with Eligibility**

Once you, the claimant, have filed and established a claim, all eligibility requirements must continue to be fulfilled in order to continue receiving unemployment insurance (UI) benefits.

### **Work Search**

You, the claimant, must start searching for work every week, beginning with the first week that a claim was established. You must keep a work search record of each employer, to include:

-The company name, mailing address, e-mail address, telephone number, date of the contact and name of the person you, the claimant, had contacted.

-Results of your contacts

-**At least two (2) different employers on different dates** must be contacted each week in order to meet the minimum work search requirement.

-You, the claimant, should make in-person, and/or E-mail contacts with company representative(s) who have hiring authority.

-The same contacts should not be listed for consecutive weeks except for agencies that offer multiple placement services.

-All work search contacts you, the claimant, make are subject to verification.

-If you, the claimant, fail to make the required number of work searches each week, a denial of UI benefits and possible UI overpayment could result.

-It is your responsibility for keeping records of all job searches and the evidence(s) of contacts.

-If you are a seasonal worker or have a definite return to work date (*within 8 weeks of filing a claim*) or you are taking a training course through VIDOL, you may be exempt from work search. You must submit evidence of this information.

***Note:** If you cannot find work in a usual occupation, it is still expected that you, will search for work in other occupations in which you are qualified.*

### **Relocation**

If you, the claimant, have plans to relocate outside of the United States Virgin Islands while receiving Unemployment Insurance (UI) benefits you must contact our agency to inform that you will be outside the VI so that you may receive information regarding your benefits.

You must also complete the "Going out of town" form. Failure to follow instructions may result in loss of benefits. You must also register with the State Workforce Agency in that state and follow that state's requirements and instructions for continued unemployment job search. You must contact the State Workforce Agency promptly, in order to comply with the registration and work search requirements of that state, otherwise, this could result in a delay or denial of UI benefits.

## **Additional Requirements**

### **Re-employment Services Program**

You, the claimant, must participate in any Re-employment Services program, if selected to do so by the Unemployment Insurance (UI) Division. Failure to attend may result in benefits being denied or delayed.

### **Reporting to the Local Office**

You, the claimant, must return to the Unemployment Insurance (UI) Division if instructed to do so. The exception to this is if you are off island, and have informed the UI Division of your absence from the U.S. Virgin Islands Territory.

### **Exhausted Benefits**

If you have exhausted UI benefits, you should contact the Unemployment Insurance (UI) Division in order to find out if there are any other additional UI benefits available. If you had previously worked, then consideration for monetary eligibility may be possible.

## **Child Support**

### **Deduction for Child Support**

If you, the claimant, are receiving unemployment insurance (UI) benefits, but also owe child support, the Child Support Enforcement Division will notify the Unemployment Insurance (UI) Division of a child support deduction order. If you do not agree with the deduction, you must contact the Child Support Enforcement Division, since the UI Division cannot legally remove or reduce the amount of child support deduction.

## **1099G Information**

Before the end of January of each year, you, the claimant, will be mailed a statement referred to as form 1099-G indicating all unemployment insurance (UI) benefits paid and all amounts deducted and withheld. The Internal Revenue Service (IRS), otherwise known as the Internal Revenue Bureau (IRB) will be provided with the same information.

## **Confidentiality**

In accordance with both Federal and State law, you can only claim UI benefits for you. Absolutely no one else can claim UI benefits on your behalf. The Unemployment Insurance (UI) Division will not disclose your personal information to anyone, including family or friends contrary to law.

## **Fraudulent Claims**

For Unemployment Insurance (UI) benefit purposes, and in accordance with existing law, **fraud** is defined as knowingly making a false statement, misrepresenting a material fact, or withholding information in order to obtain unemployment insurance (UI) benefits. Any statement that you, the claimant, make in order to obtain unemployment insurance (UI) benefits will be verified. You, the claimant, will be required to repay UI benefits if fraud is detected. All fraud cases are also subject to possible criminal prosecution, fines and imprisonment.

The United States Virgin Islands Unemployment Insurance (UI) Division maintains records of wages paid by employers. One of the purposes of these records is to detect fraudulent claims filed by you, the claimant, who are working, earning wages and claiming benefits at the same time.

The Unemployment Insurance (UI) Division is able to detect fraudulent UI benefit claims using various methods, to include,

- Wage and Benefits Cross-Match
- State Directory of New Hire Cross Match (SDNH)
- National Directory of New Hire (NDNH)
- Tips from Public

### **Examples of Fraud include:**

- Failure to properly report a job hire
- Failure to properly report job separation earnings
- Failure to report all employment earnings

## **Penalties for Fraud**

-Penalty of 15% of the overpayment or up to \$200.00.

## **Disqualification of benefits for Fraud**

For first time offenders the following schedule of disqualification will be applied:

<b>Fraud Weeks</b>	<b>Disqualification</b>
<b>1-2 weeks</b>	<b>4 weeks</b>
<b>3 weeks</b>	<b>12 weeks</b>
<b>4 weeks</b>	<b>16 weeks</b>
<b>5 weeks</b>	<b>26 weeks</b>
<b>6 weeks or more</b>	<b>52 weeks</b>

If the claimant has a record of having made fraudulent claims in the past, a disqualification of 52 weeks will be assessed.

## **UI Overpayment Repayments**

If you, the claimant, have a UI benefit overpayment, it can be repaid in one lump sum or under an installment repayment plan. However, the Unemployment Insurance (UI) Division must approve all such repayment plan.

### **Non Payment**

If you do not make a payment within 60 days, your name will be sent to the IRS for garnishment.

## **Voluntary Federal Tax Withholding**

You, the claimant, may voluntarily elect to have 10 percent of the gross UI benefits deducted and withheld for Federal Income Tax purposes.

Federal Income Taxes will be deducted after all other mandatory deductions have been withheld. You, the claimant, may change your decision to have Federal Income Taxes withheld from your UI benefits. However, that request must be made by you, the claimant, in writing.

## **Other Services**

In addition to assisting you, the claimant, with your unemployment insurance benefit claim, the US Virgin Islands, Labor Department, Workforce Development staff is available to assist you with:

- Introduction and Registration to VIEWS
- Career guidance & Counseling
- Referral to support services & other partner agencies
- Access to training opportunities
- Workforce preparation workshops
- Testing
- Skills and other related assessments
- Job Search planning
- Resume Writing
- Access to Workforce & Labor Market Information
- Various Services to all Veterans