

Questions and Answers

1. Administrative

a. Question: Are new agreements between the state and the Department of Labor necessary for this extension?

Answer: No. The existing agreement remains in effect.

b. Question: What is the first week payable under this extension for TEUC-A?

Answer: The first week payable is the first week which begins after April 16, 2003.

c. Question: What is an "air carrier" for purposes of TEUC-A?

Answer: A qualifying air carrier is "an air carrier that holds a certificate issued under chapter 411 of title 49, U.S.C." That section provides that an air carrier may provide air transportation only if it holds a certificate issued under chapter 411. Certificates may be issued for charter air carriers and all-cargo air transportations. See Attachment C for a listing of all certified air carriers.

d. Question: How will states determine if the individual has "qualifying employment?"

Answer: Unlike other emergency extensions, including the basic TEUC program, for TEUC-A it will be necessary to verify whether at least one base period employer provided qualifying employment. We have prepared and attached a draft form that SWAs may elect to use in contacting employers (See Attachment D).

The employer's failure to respond to the notice does not absolve the agency from the responsibility to pursue the necessary information to verify the qualifying employment. The claimant's statement may be evaluated if the employer does not respond, but the state must meet the same standards required for any nonmonetary determination as stated in the Secretary of Labor's 'Standards for Claim Determinations', Part V of the *Employment Security Manual*. This includes gathering evidentiary facts rather than conclusions, giving the claimant a reasonable opportunity to provide information when requested to do so, and obtaining the information promptly so that benefits will not be unduly delayed.

2. Claimants Potentially Eligible for TEUC Benefits Under this Extension

a. Question: What is the universe of claimants who are potentially eligible for TEUC-A under this extension?

Answer: All claimants that meet the definition of "eligible individual" as defined by Public Law 108-11 and otherwise meet the requirements for a TEUC benefit extension.

b. Question: Does the extended period for which TEUC-A is payable apply to all TEUC claims?

Answer: No. Only TEUC-A and TEUC-AX are payable during the extended period ending with the last week beginning on or before December 26, 2004.

c. Question: Does an individual who was separated from a certified air carrier prior to September 11, 2001, satisfy the definition of an "eligible individual"?

Answer: No. The definition of an "eligible individual" includes a requirement that the individual's regular benefits for the "applicable benefit year" be partially or wholly based on "qualifying employment." To be deemed "qualifying employment," the separation from such employment must have occurred on or after September 11, 2001 because of: 1) reductions in service by an air carrier as a result of a terrorist attack on the United States on September 11, 2001, or security measure taken in response to such attack; 2) a closure of an airport in the United States as a result of such terrorist action or security measure; or 3) a military conflict with Iraq that has been authorized by Congress.

d. Question: Does an individual who satisfies the definition of "eligible individual" but who exhausted TEUC in June 2002 and is still unemployed potentially qualify for benefits under this extension?

Answer: Yes.

e. Question: Does an "eligible individual" with intervening employment since separation from "qualifying employment" who does not qualify for a new regular claim, based on the intervening employment, continue to meet the definition of an "eligible individual" for purposes of this extension?

Answer: Yes.

f. Question: Does an individual who is separated from an air carrier or from otherwise qualifying airline related employment but whose regular benefits were not based, in whole or in part, on such employment, meet the definition of an "eligible individual" for purposes of TEUC-A?

Answer: No. To meet the definition of an "eligible individual" for purposes of TEUC-A, the claimant's regular benefits must have been based, in whole or in part, on "qualifying employment." In the case described, there is no "qualifying employment" in the base period.

3. Applicable Benefit Year for Airline and related workers TEUC Extension Purposes

a. Question: Does an individual with a prior benefit year, where regular benefits were based on "qualifying employment," who is eligible for regular benefits in a subsequent benefit year have the option to receive TEUC-A based on the first benefit year?

Answer: No. An individual with existing entitlement to regular compensation is not an exhaustee for TEUC-A purposes.

4. Monetary Eligibility

a. Question: What is the maximum amount of TEUC-A benefits available to an "eligible individual?"

Answer: Basic TEUC-A entitlement for "eligible individuals" will be determined as the lesser of 150 percent of the MBA of regular benefits payable to the individual during the benefit year or 39 times the individual's AWBA payable during the benefit year for a week of total unemployment. If the state includes dependents' allowances in the calculation of the weekly benefit amount (WBA) for regular benefits, the same rule applies to the calculation of TEUC-A benefits. If the state calculates dependents' allowances separate from the WBA, the state will apply the same rule to the determination for TEUC-A.

The TEUC-A account of an individual exhausting basic TEUC-A with payment for a week of unemployment beginning after April 16, 2003, and during an extended benefit (EB) period or TEUC-X period in the state, will be augmented by an amount equal to one-third (1/3) of the basic TEUC-A amount.

b. Question: When an "eligible individual" is in current claim status with an existing basic TEUC or TEUC-X balance what should the state do?

Answer: The SWA will issue a TEUC-A monetary redetermination to each "eligible individual" who has an existing TEUC balance, as of the effective date of TEUC-A, in an amount that is the lesser of 150 percent of the regular benefit MBA or 39 times the AWBA. All TEUC benefits, including TEUC-X, previously paid will reduce the available basic TEUC-A balance available. The available balance attributable to the redetermination is payable for weeks of unemployment beginning after April 16, 2003. Any TEUC-X previously paid becomes basic TEUC-A payments under the redetermination.

c. Question: When an "eligible individual" has exhausted basic TEUC prior to the effective date of this extension, what should the state do other than providing notification of the extension?

Answer: When this claimant files an additional or reopened claim, the SWA will issue a basic TEUC-A monetary redetermination in an amount that is the lesser of 150 percent of the regular benefit MBA or 39 times the AWBA. All TEUC benefits previously paid will reduce the available TEUC-A balance available. The basic TEUC-A balance available as a result of the redetermination is payable for weeks of unemployment beginning after April 16, 2003.

d. Question: When an "eligible individual" has exhausted TEUC-X prior to the effective date of this extension, what should the state do other than providing notification of the extension?

Answer: When this claimant files an additional or reopened claim, the SWA will issue a TEUC-A monetary redetermination in the amount of the lesser of 150 percent of the regular benefit MBA benefit amount or 39 times the AWBA effective for weeks of unemployment beginning after April 16, 2003. All basic TEUC and TEUC-X benefits previously paid will reduce the available TEUC-A balance available and are considered basic TEUC-A payments. The basic TEUC-A balance available as a result of the redetermination is payable for weeks of unemployment beginning after April 16, 2003.

e. Question: Can TEUC-AX augmentations continue to be made during the transition period?

Answer: No.

f. Question: Can a new TEUC-A monetary determination be issued effective for a week ending on or after December 29, 2003?

Answer: No.