

Chapter 192-140 WAC

REPORTING REQUIREMENTS TO RECEIVE BENEFITS

WAC

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

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| 192-140-095 | What happens if I do not respond to a request for details about my separation from work? [Statutory Authority: RCW 50.12.010, 50.12.040, and 50.20.010. WSR 10-11-046, § 192-140-095, filed 5/12/10, effective 6/12/10.] Repealed by WSR 13-09-010, filed 4/5/13, effective 5/6/13. Statutory Authority: RCW 50.12.010 and 50.12.040. |
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WAC 192-140-005 Filing weekly claims for benefits.

(1) **How do I file my weekly claim for benefits?** You may file your claim using the department's online services or by calling the department's claims center. If you have a physical or sensory disability or are in unusual circumstances that make filing by telephone or online difficult, the commissioner may authorize other methods of filing a weekly claim.

(2) **When do I file my weekly claim?** You must file a claim for every week you want to be paid or have counted as

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your waiting week. Every week begins at 12:00 a.m. on Sunday and ends at 11:59 p.m. on Saturday. You must file your claim *after* the end of the week(s) you are claiming.

(a) File your claim using online services after 12:00 a.m. Sunday following the week you are claiming. If you file by electronic means, your claim is considered filed on the date of successful electronic transmission.

(b) File your telephone claim after 12:00 a.m. Sunday, but before 4:00 p.m. on Friday, following the week you are claiming. (In case of a legal holiday, file your claim before 4:00 p.m. on the last working day of the week.)

(c) File your paper claim anytime Sunday through Saturday following the week you are claiming. Your claim is considered filed on the postmarked date if you mail it.

(3) **How often do I file my claim?** File your claim weekly. The department may approve other filing schedules in cases of emergency or in unusual circumstances.

(4) What happens if I miss a week?

(a) If you do not claim a week, and not more than four consecutive weeks have elapsed since you last filed a claim, you may claim benefits for any of the four weeks prior to the week in which you contact the department to begin claiming again.

(b) If you do not claim a week, and more than four consecutive weeks have elapsed since you last filed a claim, you must reopen your claim as provided in WAC 192-110-050. The department will not pay you for any unclaimed weeks unless you show good cause for the late filing of those claims.

(5) **What information do I have to report?** Your claim must include answers to all the questions. The department cannot process a claim that does not meet this requirement.

[Statutory Authority: RCW 50.12.010 and 50.12.040. WSR 16-21-013, § 192-140-005, filed 10/7/16, effective 11/14/16; WSR 15-02-051, § 192-140-005, filed 1/5/15, effective 2/5/15. Statutory Authority: RCW 50.12.010, 50.12.040, and 50.20.010. WSR 10-11-046, § 192-140-005, filed 5/12/10, effective 6/12/10. Statutory Authority: RCW 50.20.010 and 50.12.040. WSR 99-08-073, § 192-140-005, filed 4/5/99, effective 5/6/99.]

WAC 192-140-010 Systems security. (1) Your password or personal identification number (PIN) is your electronic signature on all claims filed and its use is equivalent to your signature on written forms.

(2) Security of the password or PIN is your responsibility. You are responsible for any payments made as a result of the use of your password or PIN unless you provide evidence showing that the individual using your password or PIN was not authorized to do so. You must establish a new password, or your PIN must be reset if you forget it or if someone else, including an employee of the department, learns of it. You are responsible for either:

(a) Accessing the department's online services to establish a new password; or

(b) Contacting the department to reset your PIN.

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[Statutory Authority: RCW 50.12.010 and 50.12.040. WSR 16-21-013, § 192-140-010, filed 10/7/16, effective 11/14/16. Statutory Authority: RCW 50.12.010, 50.12.040, and 50.20.010. WSR 10-11-046, § 192-140-010, filed 5/12/10, effective 6/12/10. Statutory Authority: RCW 50.20.010 and 50.12.040. WSR 99-08-073, § 192-140-010, filed 4/5/99, effective 5/6/99.]

WAC 192-140-020 Will I be required to report in person? You may be instructed to report in person for any reason the department deems necessary, such as to receive reemployment services. If you do not report in person, you will be ineligible for benefits under RCW 50.20.010 (1)(a) for the week unless:

(1) You have returned to full-time work and cannot report in person, or

(2) You can show you had good cause for not reporting in person. "Good cause" is any factor which would cause another person in similar circumstances to be unable to report in person.

[Statutory Authority: RCW 50.12.010 and 50.12.040. WSR 16-21-013, § 192-140-020, filed 10/7/16, effective 11/14/16. Statutory Authority: RCW 50.20.010 and 50.12.040. WSR 99-08-073, § 192-140-020, filed 4/5/99, effective 5/6/99.]

WAC 192-140-025 What does "failure to respond" mean? (1) "Failure to respond" means you do not report in person when directed to do so, or do not provide all requested information by the date indicated in a written request for information.

(2) If the request for information requires you to report in person and you respond in writing, you will be deemed to have failed to respond unless your written response provides specific information that will establish good cause for not reporting in person.

[Statutory Authority: RCW 50.20.010 and 50.12.040. WSR 99-08-073, § 192-140-025, filed 4/5/99, effective 5/6/99.]

WAC 192-140-030 What happens if I do not report in person when directed? (1) If you do not report in person when directed to do so, and do not provide information to explain why you did not report in person, the department will presume you failed to report in person without good cause and benefits will be denied under RCW 50.20.010(1).

(2) This denial of benefits is for the week or weeks in which you failed to report in person.

[Statutory Authority: RCW 50.12.010 and 50.12.040. WSR 16-21-013, § 192-140-030, filed 10/7/16, effective 11/14/16. Statutory Authority: RCW 50.20.010 and 50.12.040. WSR 99-08-073, § 192-140-030, filed 4/5/99, effective 5/6/99.]

WAC 192-140-035 What happens if I do not respond to a request for information? (1) The department will presume that you are disqualified from benefits if you provide potentially disqualifying information, or fail to provide necessary information, and then do not respond to a request for specific information. The department will deny benefits under RCW 50.20.010.

(2) This denial is for an indefinite period of time and will continue until you provide the requested information.

(3) Once you provide the requested information, the department may issue a redetermination under RCW 50.20-160. The department will issue a new decision allowing ben-

efits if you provide enough information to establish your eligibility for benefits.

[Statutory Authority: RCW 50.12.010, 50.12.040, and 50.20.010. WSR 10-11-046, § 192-140-035, filed 5/12/10, effective 6/12/10.]

WAC 192-140-040 What happens if I do not provide details about my employment when filing my weekly claim? (1) The department will presume you are not unemployed under RCW 50.04.310 if you:

(a) Report that you had work and earnings for one or more weeks;

(b) Fail to provide employer name and address; and

(c) Do not respond to a request for information.

(2) Further, the department will presume you are not unemployed under RCW 50.04.310 if:

(a) You report that you will have earnings for a week not yet claimed;

(b) Subsequently claim benefits for the week without providing employer name and address and the amount of earnings; and

(c) Do not respond to a request for information.

(3) The department will presume you are not unemployed based on RCW 50.20.010(1) and 50.04.310. This presumption will continue until you provide the department with the information necessary to determine whether you are unemployed within the meaning of the statute.

[Statutory Authority: RCW 50.12.010 and 50.12.040. WSR 16-21-013, § 192-140-040, filed 10/7/16, effective 11/14/16. Statutory Authority: RCW 50.12.010, 50.12.040, and 50.20.010. WSR 10-11-046, § 192-140-040, filed 5/12/10, effective 6/12/10.]

WAC 192-140-045 What happens if I do not respond to a request for information about a refusal of an offer of work? (1) If you do not respond to a request for information about a refusal of an offer of work, the department will presume you refused an offer of suitable work without good cause.

(2) The department will deny benefits under RCW 50.20.080. This denial will continue for seven weeks and until you earn seven times your weekly benefit amount in employment that is covered by Title 50 RCW.

[Statutory Authority: RCW 50.12.010, 50.12.040, and 50.20.010. WSR 10-11-046, § 192-140-045, filed 5/12/10, effective 6/12/10.]

WAC 192-140-050 What happens if I do not respond to a request for information about failure to apply for work? (1) The department will presume you failed to apply for suitable work without good cause if:

(a) You have been directed by the department to apply for work;

(b) The department is advised that you have failed to comply as directed; and

(c) You do not respond to a request for information.

(2) The department will deny benefits under RCW 50.20.080. This denial will continue for seven weeks and until you earn seven times your weekly benefit in employment that is covered by Title 50 RCW.

[Statutory Authority: RCW 50.12.010, 50.12.040, and 50.20.010. WSR 10-11-046, § 192-140-050, filed 5/12/10, effective 6/12/10.]

WAC 192-140-055 What happens if I do not respond to a request for information about a labor dispute? (1) The department will presume you are unemployed as a result of a labor dispute and directly interested in or participating in the dispute if you do not respond to a request for information about a labor dispute.

(2) The department will deny benefits under RCW 50.20.090. This denial will continue until you provide the requested information.

[Statutory Authority: RCW 50.12.010, 50.12.040, and 50.20.010. WSR 10-11-046, § 192-140-055, filed 5/12/10, effective 6/12/10.]

WAC 192-140-070 What happens if I do not establish that I am able to or available for work? (1) If you report that you were not able to work or not available for work in any week or do not report whether you were able to work or were available for work, and do not provide details regarding your ability to or availability for work as requested, the department will presume you are not able or not available for work and benefits will be denied under RCW 50.20.010 (1)(c).

This denial is for the week or weeks in which information on your ability to work or availability for work is incomplete.

(2) If you provide information that indicates you are not able to work or not available for work because of a circumstance that is expected to continue beyond the immediate week or weeks claimed, and you do not provide information regarding your ability to or availability for work, benefits will be denied under RCW 50.20.010 (1)(c).

This denial will begin with the first week claimed in which the circumstance applies and continue until the circumstance no longer exists.

[Statutory Authority: RCW 50.12.010 and 50.12.040. WSR 16-21-013, § 192-140-070, filed 10/7/16, effective 11/14/16. Statutory Authority: RCW 50.12.010, 50.12.040, 50.12.042. WSR 05-01-076, § 192-140-070, filed 12/9/04, effective 1/9/05.]

WAC 192-140-075 What happens if I do not demonstrate that I am actively looking for work? (1) If you report that you were not actively seeking work in any week or do not report whether you made an active search for work and subsequently fail to report complete job search details and other information when requested, the department will presume you are not actively seeking work and your benefits will be denied under RCW 50.20.010 (1)(c).

(2) For the purpose of this section, "complete job search details" includes those elements that may be required by the department as provided in WAC 192-180-015.

(3) This denial is for the week or weeks in which your job search information is incomplete.

[Statutory Authority: RCW 50.12.010 and 50.12.040. WSR 16-21-013, § 192-140-075, filed 10/7/16, effective 11/14/16. Statutory Authority: RCW 50.12.010, 50.12.040, 50.12.042. WSR 05-01-076, § 192-140-075, filed 12/9/04, effective 1/9/05.]

WAC 192-140-080 What happens if I do not comply with a job search directive? (1) If you have been issued a job search directive as provided in WAC 192-180-010, do not report a job search that meets the requirements outlined in the directive, and you do not provide additional job search infor-

mation as requested or you respond with information that does not meet these requirements, the department will presume you are not actively seeking work as directed and benefits will be denied under RCW 50.20.010 (1)(c) and 50.20-240.

(2) This denial is for the week or weeks in which your job search information does not meet the specific requirements of the directive.

[Statutory Authority: RCW 50.12.010 and 50.12.040. WSR 16-21-013, § 192-140-080, filed 10/7/16, effective 11/14/16. Statutory Authority: RCW 50.12.010, 50.12.040, 50.12.042. WSR 05-01-076, § 192-140-080, filed 12/9/04, effective 1/9/05.]

WAC 192-140-085 What happens if I do not respond to a request for information regarding late claim(s)? (1) If you ask to file a claim late as defined in WAC 192-140-005 and do not respond to a request for an explanation of why the claim was filed late, the department will presume that the claim was filed late without good cause and benefits will be denied under RCW 50.20.010 (1)(b) and WAC 192-140-005.

(2) This denial is for the week or weeks that were filed late.

[Statutory Authority: RCW 50.12.010 and 50.12.040. WSR 16-21-013, § 192-140-085, filed 10/7/16, effective 11/14/16. Statutory Authority: RCW 50.12.010, 50.12.040, 50.12.042. WSR 05-01-076, § 192-140-085, filed 12/9/04, effective 1/9/05.]

WAC 192-140-090 What happens if I do not report for reemployment services as provided in RCW 50.20.010 (1)(e)? The commissioner may direct you in writing to report in person for reemployment services.

(1) **Exceptions.** You will not be required to participate in reemployment services if you:

(a) Are a member of a full referral union and are eligible for dispatch and referral according to union rules;

(b) Are attached to an employer as provided in WAC 192-180-005; or

(c) Within the previous year have completed, or are currently scheduled for or participating in, similar services.

(2) **Minimum services.** The services will consist of one or more sessions which include, but are not limited to:

(a) Local labor market information;

(b) Available reemployment and training services;

(c) Successful job search attitudes;

(d) Self assessment of job skills and interests;

(e) Job interview techniques;

(f) The development of a resume or fact sheet; and

(g) The development of a plan for reemployment.

(3) **Penalty.** If you have received a directive, and fail to participate in reemployment services during a week, you will be disqualified from benefits for that week unless justifiable cause is demonstrated.

(4) **Justifiable cause.** Justifiable cause for failure to participate in reemployment services as directed will include factors specific to you which would cause a reasonably prudent person in similar circumstances to fail to participate. Justifiable cause includes, but is not limited to:

(a) Your illness or disability or that of a member of your immediate family;

(b) Conflicting employment or your presence at a job interview scheduled with an employer; or

(c) Severe weather conditions precluding safe travel.

Reasons for absence may be verified. In all such cases, your ability to or availability for work is in question.

[Statutory Authority: RCW 50.12.010 and 50.12.040. WSR 16-21-013, § 192-140-090, filed 10/7/16, effective 11/14/16. Statutory Authority: RCW 50.12.010, 50.12.040, 50.12.042. WSR 05-01-076, § 192-140-090, filed 12/9/04, effective 1/9/05.]

WAC 192-140-100 What happens if I do not respond to a request for information about a discharge from work? (1) If you do not respond to a request for information about a discharge from work and if you:

(a) Have not given the department enough information to identify or contact the employer, the department will presume the employer discharged you for misconduct connected with your work. The department will deny benefits under RCW 50.20.066.

(b) Have given the department enough information to contact the employer, the department will not deny benefits unless a preponderance of evidence shows that you were discharged for misconduct connected with your work or the separation was for another disqualifying reason.

(2) If benefits are denied due to misconduct, the denial will continue for ten weeks and until you earn ten times your weekly benefit amount in employment that is covered by Title 50 RCW.

[Statutory Authority: RCW 50.12.010 and 50.12.040. WSR 16-21-013, § 192-140-100, filed 10/7/16, effective 11/14/16. Statutory Authority: RCW 50.12.010, 50.12.040, and 50.20.010. WSR 10-11-046, § 192-140-100, filed 5/12/10, effective 6/12/10. Statutory Authority: RCW 50.12.010 and 50.12.040. WSR 07-22-055, § 192-140-100, filed 11/1/07, effective 12/2/07. Statutory Authority: RCW 50.12.010, 50.12.040, 50.12.042. WSR 05-01-076, § 192-140-100, filed 12/9/04, effective 1/9/05.]

WAC 192-140-105 What happens if I do not respond to a request for information about a voluntary quit from work? (1) If you do not respond to a request for information about a voluntary quit from work the department will presume you have voluntarily quit work without good cause under RCW 50.20.050, unless available evidence shows that your separation from work was for another reason.

(2) If benefits are denied as a voluntary quit, the denial will continue for seven weeks and until you earn seven times your weekly benefit in employment that is covered by Title 50 RCW.

[Statutory Authority: RCW 50.12.010, 50.12.040, and 50.20.010. WSR 10-11-046, § 192-140-105, filed 5/12/10, effective 6/12/10.]

WAC 192-140-120 What happens if I do not provide information regarding attendance at school? (1) If you or another party notifies the department that you are in school and you do not respond to a request for information regarding school attendance, the department will presume that you are registered for academic instruction of 12 or more credit hours and have a limited attachment to the labor market, and are not available for work. Benefits will be denied under RCW 50.20.095.

(2) This denial of benefits will continue until you establish that you are eligible under RCW 50.20.095.

[Statutory Authority: RCW 50.12.010 and 50.12.040. WSR 16-21-013, § 192-140-120, filed 10/7/16, effective 11/14/16. Statutory Authority: RCW

50.12.010, 50.12.040, 50.12.042. WSR 05-01-076, § 192-140-120, filed 12/9/04, effective 1/9/05.]

WAC 192-140-130 What happens if I do not respond to a request for information about holiday, vacation, sick, or other paid time off? (1) The department will presume you are not unemployed as provided in RCW 50.04.310 if you report that you received holiday, vacation, sick, or other paid time off pay and the respective amount paid, and do not respond to a request for specific information about the holiday, vacation, sick, or other paid time off.

(2) The department will deny benefits under RCW 50.20.010(1) and 50.04.310. This denial applies only to the week(s) in which holiday, vacation, paid time off, or sick pay information is incomplete.

[Statutory Authority: RCW 50.12.010 and 50.12.040. WSR 16-21-013, § 192-140-130, filed 10/7/16, effective 11/14/16. Statutory Authority: RCW 50.12.010, 50.12.040, and 50.20.010. WSR 10-11-046, § 192-140-130, filed 5/12/10, effective 6/12/10.]

WAC 192-140-135 What happens if I fail to respond to a request for information about athletic employment?

(1) If your eligibility for benefits is based on employment as a participant in sports or athletic events and you do not respond to a request for information, the department will presume you have reasonable assurance of performing similar services in the upcoming season.

(2) The department will deny benefits under RCW 50.20.113. This denial applies to the entire period between sporting seasons.

[Statutory Authority: RCW 50.12.010, 50.12.040, and 50.20.010. WSR 10-11-046, § 192-140-135, filed 5/12/10, effective 6/12/10.]

WAC 192-140-140 What happens if I fail to respond to a request for information about reasonable assurance to return to work in educational employment? (1) If your eligibility for benefits is based on services to an educational institution, evidence shows you have reasonable assurance of returning to work after the school holiday or break, and you do not respond to a request for information about reasonable assurance, the department will presume that such assurance exists.

(2) The department will deny benefits under RCW 50.44.050. This denial applies to the period between academic years or terms, and during holiday or vacation periods.

[Statutory Authority: RCW 50.12.010 and 50.12.040. WSR 16-21-013, § 192-140-140, filed 10/7/16, effective 11/14/16. Statutory Authority: RCW 50.12.010, 50.12.040, and 50.20.010. WSR 10-11-046, § 192-140-140, filed 5/12/10, effective 6/12/10.]

WAC 192-140-145 What happens if I do not respond to a request for information about my retirement pay? (1) The department will presume you are receiving retirement pay in an amount greater than your weekly benefit amount and contributed to only by a base period employer if:

(a) You report that you have applied for retirement pay or your retirement pay has changed since your last claim; and
(b) You do not respond to the question concerning retirement pay information when filing your weekly claim.

(2) The department will reduce benefits under RCW 50.04.323. This reduction will continue until you provide the

information showing that you are eligible for benefits under RCW 50.04.323.

[Statutory Authority: RCW 50.12.010 and 50.12.040. WSR 16-21-013, § 192-140-145, filed 10/7/16, effective 11/14/16. Statutory Authority: RCW 50.12.010, 50.12.040, and 50.20.010. WSR 10-11-046, § 192-140-145, filed 5/12/10, effective 6/12/10.]

WAC 192-140-200 What happens if I certify that I am not able to or available for work? (1) Benefits will be reduced under RCW 50.20.130 without requiring additional information or interview if you file a weekly claim that:

(a) States you were not available for work or were not able to work on one or two days of a week or weeks being claimed; and

(b) The day or days to which this condition applies are normal working days in your regular occupation; and

(c) The information supplied clearly supports this finding.

This reduction applies only to the day or days for which available information shows you are ineligible for benefits.

(2) Benefits will be denied under RCW 50.20.010 (1)(c) without requiring additional information or interview if you file a weekly claim that:

(a) States you were not available for work or were not able to work for three or more days of a week or weeks being claimed; and

(b) The days to which this condition applies are normal working days in your regular occupation; and

(c) The information supplied clearly supports this finding.

This denial applies only to the week or weeks for which you specifically indicate you are ineligible for benefits.

(3) Benefits will be denied under RCW 50.20.010 (1)(c) without requiring additional information or interview if you file a weekly claim that indicates you are not able to work or not available for work because of a circumstance that is expected to continue beyond the immediate week or weeks claimed.

This denial will begin with the first week claimed in which the circumstance applies and continue until the circumstance no longer exists.

(4) Any denial of benefits under subsections (2) and (3) of this section will be issued without delay. The department will not issue a written decision when benefits are reduced under subsection (1) of this section.

[Statutory Authority: RCW 50.12.010 and 50.12.040. WSR 16-21-013, § 192-140-200, filed 10/7/16, effective 11/14/16. Statutory Authority: RCW 50.12.010, 50.12.040, 50.12.042. WSR 05-01-076, § 192-140-200, filed 12/9/04, effective 1/9/05.]

WAC 192-140-210 What happens if I return to full-time work or report hours worked consistent with full-time work? If you report that you have returned to full-time work or report hours worked that are consistent with full-time work for that occupation, this information is sufficient to find that you are no longer an unemployed individual as defined in RCW 50.04.310.

[Statutory Authority: RCW 50.12.010 and 50.12.040. WSR 16-21-013, § 192-140-210, filed 10/7/16, effective 11/14/16. Statutory Authority: RCW 50.12.010, 50.12.040, 50.12.042. WSR 05-01-076, § 192-140-210, filed 12/9/04, effective 1/9/05.]

(10/7/16)

WAC 192-140-220 What happens if I do not respond to a request for information about my corporate officer status? If you do not respond to a request for information about your corporate officer status, the department will presume you are not unemployed and benefits will be denied under RCW 50.04.310. This denial will continue until you show you are unemployed as defined under RCW 50.04.310.

[Statutory Authority: RCW 50.12.010 and 50.12.040. WSR 16-21-013, § 192-140-220, filed 10/7/16, effective 11/14/16; WSR 07-23-127, § 192-140-220, filed 11/21/07, effective 1/1/08.]