

benefit year. Also, whether or not the claimant is an "eligible individual" for TEUC-A purposes must be based on the base period employment for the "applicable benefit year" and the associated separation(s).

3. Monetary Eligibility

a. *Question:* An individual has two base period employers. Employment with one employer is "qualifying employment," while employment with the other is not. Which employment is the individual's monetary eligibility based on?

Answer: The TEUC-A monetary calculation formula uses other factors and is not based on the amount of the base period wages from "qualifying employment." TEUC-A monetary entitlement is based on the calculation of the lesser of 150 percent of the regular benefit maximum benefit amount (MBA) or 39 times the average weekly benefit amount (AWBA).

b. *Question:* TEUC-A benefits are applicable only to weeks beginning on or after the date of enactment, but all TEUC and TEUC-X benefits previously paid are to be deducted from the TEUC-A calculated MBA to create the TEUC-A account balance. Some TEUC and/or TEUC-X weeks claimed prior to enactment of Public Law 108-11 may not be paid until after the TEUC-A account balance has been established. May these weeks be paid from the balance available in the TEUC-A account?

Answer: Yes. The amount paid for all TEUC and TEUC-X compensable weeks is deductible from the redetermined TEUC-A MBA. When the payments are issued is immaterial. However, the MBA payable as TEUC and TEUC-X for weeks of unemployment ending prior to April 16, 2003, may not exceed the original TEUC amount of the lesser of 50 percent of the MBA or 13 times the AWBA, plus an additional amount up to 13 times the AWBA in high unemployment states. Therefore, after the TEUC-A determination is made, if there are weeks of unemployment prior to the first week beginning after April 16, 2003, for which the claimant is determined eligible, payments can be made but only up to the MBA payable for TEUC (and TEUC-X, if applicable).

c. *Question:* The claimant has exhausted TEUC in a state that has not been and is not in an extended benefit (EB) or TEUC-X period. What is the MBA payable based on a TEUC-A determination?

Answer: The TEUC-A monetary determination is calculated at the lesser of 150 percent of the MBA of the regular claim or 39 times the AWBA minus the TEUC previously paid based on the "applicable benefit year," creating a TEUC-A balance payable of up to 26 times the AWBA. If the claimant exhausts TEUC-A while the state is in an EB or TEUC-X period, the claimant's account will be augmented by an amount equal to $\frac{1}{3}$ of the TEUC-A MBA, thereby creating a TEUC-AX balance.

d. *Question:* The claimant has exhausted TEUC and TEUC-X in a state that is currently not in an EB or TEUC-X period. What is the MBA payable based on a TEUC-A determination?

Answer: The TEUC-A monetary is calculated at the lesser of 150 percent of the MBA of the regular claim or 39 times the AWBA minus the TEUC and TEUC-X previously paid based on the "applicable benefit year," creating a balance payable of up to 13 times the AWBA. If the claimant exhausts TEUC-A while the state is in an EB or TEUC-X period, the claimant's account will be augmented by an amount equal to $\frac{1}{3}$ of the TEUC-A MBA, thereby creating a TEUC-X balance.

e. *Question:* The claimant has exhausted TEUC and TEUC-X in a state that is currently in an extended benefit or TEUC-X period. What is the MBA payable based on a TEUC-A determination?

Answer: The TEUC-A monetary determination is calculated at the lesser of 150 percent of the MBA of the regular claim or 39 times the AWBA minus the TEUC and TEUC-X previously paid based on the "applicable benefit year," creating a TEUC-A balance of up to 13 times the AWBA. If the claimant exhausts TEUC-A after the state's EB or TEUC-X period has triggered "off," no additional TEUC-A benefits are payable. If the claimant exhausts while the state is in an EB or TEUC-X period, the claimant's account will be augmented by an amount equal to $\frac{1}{3}$ of the TEUC-A MBA, thereby creating a TEUC-X balance.

4. Base Period Twenty—Weeks of Work Requirement

a. *Question:* To be eligible for TEUC-A, must the individual's "qualifying employment" in the base period meet the 20 weeks of full-time work or the equivalent in insured wages requirement?

Answer: No. The claimant's total base period employment and wages must meet the "20 weeks of work" requirement.

5. Determining if an Individual Is an "Eligible Individual" for TEUC-A Purposes

a. *Question:* The individual had "qualifying employment" during the base period of the prior benefit year. The new benefit year has no "qualifying employment." Is this individual an "eligible individual?"

Answer: No. For purposes of determining TEUC, and therefore TEUC-A eligibility, the "applicable benefit year" is the current or most recent benefit year. (See UIPL No. 30-02, pages II-1 and III-2.)

b. *Question:* The state has completed its TEUC-A fact-finding and is ready to issue a determination. What type of determination should be issued?

Answer: If the state determines an individual is eligible for TEUC-A, the state will issue or document an eligible nonmonetary determination and issue a TEUC-A monetary determination or redetermination, as appropriate. If the state determines an individual is ineligible for TEUC-A, the state will issue an ineligible nonmonetary determination only. In either case, the nonmonetary determination is reportable under "Miscellaneous" on the TEUC ETA 207 report.

c. *Question:* The individual had no "qualifying employment" in the base period, but did have "qualifying employment" in the

lag period. Is this individual an "eligible individual?"

Answer: No. In order for a claimant to be determined an "eligible individual" for TEUC-A purposes, "qualifying employment" must have been used in the determination of regular compensation for the "applicable benefit year."

d. *Question:* Do claimants have appeal rights if determined not eligible for TEUC-A?

Answer: Yes. States must provide the same appeal rights provided for determinations for regular benefits.

e. *Question:* Is a monetary determination notice sufficient to advise claimants they are not eligible for TEUC-A?

Answer: No. An appealable nonmonetary determination is required if a claimant is determined ineligible for TEUC-A.

f. *Question:* Since employers are being contacted to determine "qualifying employment," are they interested parties to the determination?

Answer: No. Employers are not interested parties because their accounts are not potentially chargeable for TEUC-A.

g. *Question:* After issuing an eligible determination, the state receives late information from an employer that contradicts the claimant's statement. Is the state required to issue a redetermination or does the state follow its regular procedures?

Answer: Late information received from the employer must be considered. If it supports a denial of benefits, a redetermination must be issued. This procedure may differ from state law provisions prohibiting the use of information received after a decision has been issued. Such state provisions are intended to penalize an employer who has not complied with state law provisions concerning employer response. However, the employer is not an interested party to a TEUC-A determination and these state provisions must not be applied.

6. Determining if the Employment is "Qualifying Employment"

a. *Question:* Qualifying separations include those due to "military conflict with Iraq." Must separations due to the "military conflict with Iraq" be related to employment with a certified air carrier, employment at a facility at an airport, or employment with an upstream producer or supplier for an air carrier?

Answer: Yes. The separation has to be from employment with a certified air carrier, employment at a facility at an airport, or employment with an upstream producer or supplier for a certified air carrier. A separation due "in whole or in part" to the military conflict with Iraq is a qualifying separation for purposes of establishing "qualifying employment."

b. *Question:* Eight thousand servicemembers from a local military base were sent to Iraq. Are the local businesses that have suffered a loss of business due to the deployment considered to have provided "qualifying employment" or is that designation limited to airline-related employment?

Answer: The designation "qualifying employment" is limited to airline-related employment from which the individual was