

Alex Lee Quoted In NJ.com Article, "Can I get unemployment benefits if I'm fired from my job?"

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By Karin Price Mueller

The expansion of unemployment benefits under federal rules makes eligible many people who would not normally qualify for benefits, such as gig workers and the self-employed.

But not everyone is eligible.

Regular unemployment benefits, pre-pandemic, have strict eligibility requirements, especially for those who were fired from their jobs.

While the expanded federal benefits, on a case-by-case basis, cover people who believe their workplace is unsafe or workers who must stay home to care for children, they don't change the misconduct rule, unemployment experts said.

"Misconduct may also be found when there is 'a deliberate disregard of standards of behavior the employer has a reasonable right to expect, including reasonable safety standards and reasonable standards for a workplace free of drug and substance abuse,'" said Alex Lee, an attorney with Einhorn Barbarito in Denville.

If there is a finding of misconduct, the worker will be disqualified from receiving benefits starting the week of the termination and for the following five weeks they would otherwise be entitled to, Lee said.

If gross misconduct is the finding, the worker will be barred completely from receiving benefits, Lee said. "Gross misconduct means that the individual will be barred from even future benefits until they meet certain conditions that would lift that bar," Lee said. "That includes returning to work in covered

employment for eight weeks, showing that they are earning 10 times their weekly benefit rate, and then again becoming unemployed through no fault of their own.”

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