

# Unemployment

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## Eligibility Requirements for New Jersey Unemployment Benefits

The New Jersey Unemployment Compensation Law acts as a safety net by providing income for workers who have, through no fault of their own, lost their job. To be eligible for unemployment benefits, you must:

- File a claim with the New Jersey Department of Labor and Workforce Development;
- Be able to work;
- Be actively seeking work;
- Be available for work;
- Satisfy a one-week waiting period; and
- Satisfy an earnings requirement.

Employees may be disqualified for a number of acts, including voluntary termination of employment (quitting a job), misconduct, failure to apply for or accept suitable work, entitlement to certain types of severance or other benefits, fraud, and failure to report to the Department of Labor and Workforce Development when required. In New Jersey, if an employee leaves his or her job “without good cause attributable to the work” (quit), he/she is disqualified from unemployment benefits. However, if an employee is compelled to leave his/her job, that separation from employment is considered involuntary.

If you are eligible for unemployment compensation in New Jersey, the benefits you receive each week will be referred to as your Weekly Benefit Rate (WBR). Your WBR will be calculated at the rate of 60 percent of your average weekly earnings during your base year period, up to the maximum WBR.

The total amount of unemployment compensation that you are eligible to collect is known as your Maximum Benefit Amount (MBA). Generally, for each week that you worked during your base year period, you will be eligible to receive one week of unemployment compensation benefits. However,

New Jersey currently caps the total of amount of benefits that a worker can receive at 26 times the WBR (26 weeks of benefits). For example, if you worked more than 26 weeks in your base year and your WBR is \$250, your Maximum Benefit Amount (MBA) will be \$6,500 ( $\$250 \text{ WBR} \times 26 \text{ weeks} = \$6,500$ ). The New Jersey Department of Labor and Workforce Development provides a more detailed explanation of how unemployment benefits are calculated along with an unemployment insurance benefits estimator.

## New Jersey Employment Lawyers Can Help You Appeal an Unemployment Compensation Benefits Determination

Either an employee or employer may appeal a determination from the New Jersey Department of Labor and Workforce Development. The appeal must be filed within 7 calendar days after receipt of the determination or 10 days after the notice of determination is mailed. If you fail to file your appeal within these time limits without “good cause,” the appeal tribunal may dismiss your appeal.

After an appeal has been filed, a hearing will be scheduled before the appeal tribunal. Both the employee and the employer will be given the opportunity to present their arguments at the hearing and are permitted to be accompanied by legal counsel. If a party disagrees with the decision of the appeal tribunal, the party may file an appeal with the Board of Review within 10 days after receiving the decision. Should a party disagree with a decision rendered by the Board of Review, a final appeal may be made to the New Jersey Appellate Division within 45 days of the date of the decision.

## Get Help from a New Jersey Employment Law Firm

Whether you are an employee or an employer, the process governing unemployment benefits in New Jersey can be complicated. The New Jersey unemployment lawyers at Einhorn Barbarito can answer your questions and steer you through each step of the process. To schedule a consultation with an attorney in our Employment Law Group, call our New Jersey law offices today at [973-627-7300](tel:973-627-7300).