

ET HANDBOOK NO. 399  
INTERSTATE ARRANGEMENT FOR COMBINING EMPLOYMENT AND WAGES

SECTION III - RIGHTS AND RESPONSIBILITIES OF THE FILING STATE

1. Identifying the Potential Combined-Wage Claimant. Any claimant who has worked in two or more States in the preceding two (2) years is a potential combined-wage claimant. The combined-wage claimant may be identified at any stage of the claims-taking or paying procedures up to the time of exhaustion of regular benefits (including regular sharable) or the end of the benefit year, whichever occurs first. It is incumbent upon interviewers to avoid any needless delay by identifying potential combined-wage claimants as early as possible in the claims process.

Reviewing the claimant's work and claims history covering the preceding 24 months, at the time of the initial claim, will serve to identify the potential combined-wage claimant immediately. Those States which do not generally obtain a complete work history should have on their initial intrastate claims forms the question, "Have you worked in any other State(s) within the past 24 months?" If the answer is "Yes," further details should be elicited to assist the claimant in determining if there are advantages in combining wages.

If the potential combined-wage claimant is not identified at the completion of the new claim application, a second chance occurs at the Benefit Rights Interview (BRI) when the monetary determination is explained to the claimant. Any monetary determination which (1) indicates insufficient wage credits to qualify for benefits, or, (2) provides less than the maximum benefit amount payable under the law of the issuing State, provides a clue which should be explored to determine if the claimant has available wages in another State for use in a combined-wage claim.

2. Review of Work History. A claimstaker must review the claimant's work history and identify quarterly base period wages and the weeks (days) of work as accurately as possible. This action must be taken in order to assist the claimant in identifying their potential claims and the advantages and disadvantages of wage-combining or filing against separate eligibility. If the claimant has W-2 form(s), check stubs, or other wage records, these records will be helpful in arriving at the approximate earnings in each calendar quarter.

If no records are available, the estimates may be based upon the claimant's recollection of his wage rates, and the dates of employment.

3. Explaining Types of Claims Available to Claimant. When the earnings pattern of the claimant has been charted on the basis of the information available, the claimstaker should consult the Handbook for Interstate Claimstaking for the base period, wage qualification and separation adjudication requirements of those States in which the claimant worked.

The options available to the claimant and the consequences of each claim should be fully explained. The claimant is entitled to know the advantages and disadvantages of each option in order to select the claim which is most advantageous. The claimant should be cautioned that the options being explained are based on estimates derived from the wage and separation information supplied by claimant.

The eligibility and disqualification provisions of each State in which the claimant worked that appear to be pertinent to the claimant should be explained.

For example, some States adjudicate all base period separations and impose a reduction in the benefit award. If the claimant appears to have separate monetary eligibility in such a State, the possibility of disqualification and/or benefit reduction should be explained.

The final decision of what claim to file is the claimants.

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Generally, State laws do not provide for cancellation of regular claims. Therefore, if the claimant does not elect to file a combined-wage claim, the claimant's record should clearly indicate that the combined-wage option was explained during the initial claim interview and that the type of claim selected was the claimant's choice.

a. Separate Eligibility. If the claimant has employment and earnings in a State that are equal to the qualifying requirements of that State, separate eligibility may exist in that State. If so, the claimant may wish to file against a single State in order to keep wages earned in other State(s) available for future use. Remember that if the employment and earnings preceded the effective date of a prior claim, the State may require covered employment under its law to satisfy the requalifying requirement for a subsequent benefit year.

When estimating earnings remember that wages earned in States with quarterly wage reporting systems are generally available for the quarter during which they were paid, while wages earned in States with request reporting systems are generally available for the period for which they are earned.

b. Combined-Wage Claim. Any claimant who has available employment and wages in more than one State may file a combined-wage claim, except if there is an existing claim on file with benefits available.

If an individual is separately eligible in more than one State for amounts less than a combined claim would yield, it may still be to the individual's advantage to file against the separate eligibility if he/she expects to be unemployed for a period in excess of the combined-wage claim duration.

If a combined-wage claim is filed, all employment and wages in the base period of the paying State must be used to determine the claim. Once the claimant elects to file under the combining arrangement, no wages in the base period of the paying State may be omitted from consideration in establishing the claim.

To protect the claimant against lapses in memory concerning his/her work history and resulting improper decisions, the claimant has the right to withdraw from a combined-wage claim at any time before the paying State's monetary determination becomes final, provided the claimant repays any benefits that have been paid or authorizes the State against which a claim is filed to offset the overpayment. These are the requirements for withdrawal and must not be overlooked in allowing the claimant to exercise the withdrawal option.

4. Filing Interstate Combined-Wage Claims. If, after wage-combining, the filing State finds that it cannot become the paying State because the claimant fails to qualify for benefits on the basis of combining, it must immediately:

- a. Return all employment and wages to the transferring State(s).
- b. Send an IB-1, indicating the effective date of the invalid intrastate claim, to the State where the claimant was last employed in covered employment.
- c. Complete sufficient IB-2s to cover all weeks claimed.
- d. Certify that the claimant is ineligible in the filing State and is filing under the wage combining arrangement with that State serving as paying State.

When a claimant qualifies for benefits against the filing State on the basis of combining, but has wages in another State that pays a higher weekly or maximum benefit amount, the claimant cannot elect to file a CWC against the other State.

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5. Interpreting the Monetary Determination. The monetary determination is the first factual basis for evaluating eligibility for a combined-wage claim and should be carefully analyzed with the claimant.

If it is believed that some employment and wages have been omitted, or that wages were erroneously reported, the claimant should be assisted in requesting reconsideration or filing an appeal, depending on the procedure of the State involved and the reason that the wages were not included.

Nonmonetary issues may preclude the inclusion of wages on the monetary determination. If such is the case, the State that denied the use of the wages must issue an appealable nonmonetary determination. Anytime wages are unavailable for transfer as a result of a nonmonetary determination, the determination must have been issued prior to the receipt of the request for transfer of wages.

If the claimant receives a nonmonetary determination, he/she should be assisted in exercising the right of appeal.

Once the accuracy of the monetary determination has been established, the relative merits of the potential types of claims for which the claimant appears to qualify should again be considered. In some cases, the transfer of wages from a State using a different base period will adversely affect a future claim against that State. The claimant should weigh the advantages of immediate additional benefits against the loss of a potential future claim.

6. Canada as the Filing State. Canada does not participate in the CWC Arrangement as a paying State. If a claimant wishes to file a combined-wage claim in a local office in Canada, the claim will be taken as an interstate claim. Canada should complete a Form IB-1 indicating that the claim is being filed under this arrangement and send it to the State agency in which the claimant most recently worked in covered employment. In such case, the paying State is the last State in which the claimant worked in covered employment and is eligible on the basis of combining.