



NELP

National Employment Law Project

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Frequently Asked Questions: Extended UI benefits for workers who do not live in the state where they worked

Two federal programs, Emergency Unemployment Compensation (EUC) and Extended Benefits (EB) provide extended UI benefits to workers who have run out of their regular state benefits. Under both of these programs, the level of benefits available to workers varies from state to state based on factors including the state's unemployment rate, with workers in "high unemployment" states receiving additional weeks of benefits.

Unfortunately, the two programs have different rules for workers whose UI claims cross state lines. This fact sheet attempts to describe some common questions facing this group of workers and explain how the rules vary depending on the type of benefit and type of claim. Our intent is to provide general information only – workers should consult a legal services attorney or their state unemployment agency for advice on issues related to their own personal circumstances.

For a detailed general overview of the EUC and EB programs, including lists of the amount of benefits that can be received by workers in each state, click [here](#).

Q1 - Commuter Claim: I live in one state but commuted to another state to work. How does this affect my eligibility for Emergency Unemployment Compensation (EUC) or Extended Benefits (EB)?

A: If you have a commuter claim because you regularly traveled across state lines from home to work, you are treated as if you were a resident of the state where you worked. In the case of a commuter claim, your eligibility for EUC and EB benefits is determined based on the status of the state where you worked, not the state where you live.

For example, if you live in Iowa (where workers are currently eligible for only 20 weeks of EUC – known as Tier I) but worked in Illinois and have a commuter claim with the state of Illinois (where workers are currently eligible for up to 33 weeks of EUC – Tier I and Tier II), you are eligible for 33 weeks of EUC even though you live in a state that is not "triggered on" to the higher level of EUC.¹

¹ The figures in this example are current as of August 2, 2009. For an up to date list of EUC trigger notices, select "Emergency Unemployment Compensation Trigger Notice" [here](#).

Q2 - Interstate Claim - EUC: *If I lived and worked in one state, but have since moved to a different state and have filed an interstate claim, how do I determine the amount of EUC that I'm entitled to receive?*

A: The level of EUC benefits you're entitled to is determined by the status of the state that you are filing against (the state where you worked), not the state where you are currently located. Therefore, if the state where you worked has "triggered on" to Tier II EUC because it has a high unemployment rate, you are eligible for the 33 weeks of benefits, regardless of the unemployment rate in the state where you live. The reverse is also true: if you currently live in a state that has triggered on to Tier II but the state you are filing against has not, you are *not* entitled to the 33 weeks.

Q3 - Interstate Claim – EB

a. If I have an interstate claim against a state that has triggered on to EB, but the state where I live has not triggered on, how much EB should I receive?

A: The third tier extension is being paid by a program known as Extended Benefits (EB), which has different rules than the EUC benefits you were receiving before. Under the law governing EB, if you live in a state that has not "triggered on" to EB, you can only receive a maximum of 2 weeks of EB payments. In other words, although you may appear to be eligible for up to 13 or 20 weeks of EB based on the EB status of the state where you worked, the state is prohibited from paying you more than 2 weeks of benefits if you are filing from a low-unemployment state that has not triggered on. However, if the state where you are living later triggers on to EB, you are entitled to collect the rest of your benefits.

For example, if you worked in California, which has triggered on to 20 weeks of EB, but now live in Hawaii which has not yet triggered on to EB at all, you can collect a maximum of 2 weeks of EB.² However, if Hawaii later triggers on to EB, or if you move to a third state that is triggered on, you can start receiving the rest of your EB, up to a total of 20 weeks.

b. If I live in a state that has triggered on to EB, but the state that I am filing against has not triggered on, how much EB should I receive?

A: The maximum level of benefits you are eligible to receive is determined based on the EB status of the state where you worked. Therefore, if the state you are filing against has not triggered on to EB, you are not entitled to any EB benefits, even if the state where you live has triggered on.

Q4 - Combined Wage Claim: *If I worked in more than one state and have a combined wage claim (CWC) based on my earnings in both states, how do I determine the level of EUC and EB benefits I'm entitled to receive?*

A: As with the interstate claim discussed above, your benefits are determined based on the state you filed against, also called the "paying state." This should also be the state where you live. You are entitled to the amount of benefits available to workers in the paying state, even though your benefits are based in part on earnings from work in another state.

² The figures in this example are current as of August 2, 2009. For a current listing of EB eligibility status by state, select "Extended Benefits Trigger Notice" [here](#).