

**268.086 CONTINUED REQUEST FOR UNEMPLOYMENT BENEFITS ON AN ACTIVE BENEFIT ACCOUNT.**

Subdivision 1. **Active benefit account.** (a) A benefit account is considered active only when an applicant files continued requests for unemployment benefits in the manner and within the time periods prescribed. A benefit account is considered inactive if an applicant stops filing a continued request or fails to file a continued request within the time period required. The benefit account is considered inactive as of the Sunday following the last week or biweekly period for which a continued request has been timely filed.

(b) A benefit account that is inactive is reactivated the Sunday of the week that the applicant makes a contact with the department to do so, in the manner prescribed by the commissioner for reactivating that applicant's benefit account. Upon specific request of an applicant, a benefit account may be reactivated effective up to two weeks before the week the applicant made contact with the department to reactivate.

Subd. 2. **Continued request for unemployment benefits defined.** A continued request for unemployment benefits is a certification by an applicant, done on a weekly or biweekly basis as the commissioner designates, that the applicant is unemployed and meets the ongoing eligibility requirements for unemployment benefits under section 268.085 for a specific week or two-week period. A continued request must include information on possible issues of ineligibility in accordance with section 268.101, subdivision 1, paragraph (c).

Subd. 3. **Methods for filing continued requests for unemployment benefits.** (a) The commissioner shall designate to each applicant one of the following methods for filing a continued request:

- (1) by electronic transmission under subdivision 5;
- (2) by mail under subdivision 6; or
- (3) by in-person interview under subdivision 7.

(b) The method designated by the commissioner is the only method allowed for filing a continued request by that applicant. An applicant may ask that one of the other allowed methods be designated and the commissioner shall consider inconvenience to the applicant as well as administrative capacity in determining whether to allow an applicant to change the designated method for filing a continued request for unemployment benefits.

Subd. 4. [Repealed, 2005 c 112 art 2 s 42]

Subd. 5. **Continued request for unemployment benefits by electronic transmission.** (a) A continued request for unemployment benefits by electronic transmission must be filed to that

electronic mail address, telephone number, or Internet address prescribed by the commissioner for that applicant. In order to constitute a continued request, all information asked for, including information authenticating that the applicant is sending the transmission, must be provided in the format required. If all of the information asked for is not provided, the communication does not constitute a continued request for unemployment benefits.

The electronic transmission communication must be filed on the date required for the applicant for filing a continued request by electronic transmission.

(b) If the electronic transmission continued request is not filed on the date required, a continued request by electronic transmission must be accepted if the applicant files the continued request by electronic transmission within 14 calendar days following the week in which the date required occurred. If the continued request by electronic transmission is not filed within 14 calendar days following the week in which the date required occurred, the electronic continued request must not be accepted and the applicant is ineligible for unemployment benefits for the period covered by the continued request and the benefit account is considered inactive, unless the applicant shows good cause for failing to file the continued request by electronic transmission within the time period required.

**Subd. 6. Continued request for unemployment benefits by mail.** (a) A continued request for unemployment benefits by mail must be on a form prescribed by the commissioner. The form, in order to constitute a continued request, must be totally completed and signed by the applicant.

The form must be filed on the date required for the applicant for filing a continued request by mail, in an envelope with postage prepaid thereon, and sent to the address required by the commissioner for that applicant.

(b) If the mail continued request for unemployment benefits is not filed on the date required, a continued request must be accepted if the form is filed by mail within 14 calendar days following the week in which the date required occurred. If the form is not filed within 14 calendar days following the week in which the date required occurred, the form will not be accepted and the applicant is ineligible for unemployment benefits for the period covered by the continued request for unemployment benefits and the benefit account is considered inactive, unless the applicant shows good cause for failing to file the form by mail within the time period required.

(c) If the applicant has been designated to file a continued request for unemployment benefits by mail, an applicant may submit the form by facsimile transmission on the day otherwise required for mailing, or within 14 calendar days following the week in which the date required occurred. A form submitted by facsimile transmission must be sent only to the telephone number assigned for that purpose.

(d) An applicant who has been designated to file a continued request by mail may personally deliver a continued request form only to the location to which the form was otherwise required to be mailed.

Subd. 7. **In-person continued request for unemployment benefits.** The commissioner may require any applicant who has been designated to make a continued request for unemployment benefits by electronic transmission or by mail to appear for a personal interview at a place, time, and date designated, during which a written continued request for unemployment benefits form must be completed and submitted by the applicant.

An applicant is ineligible for unemployment benefits for the week or biweekly period covered by a continued request and the benefit account is considered inactive if the applicant fails, without good cause, to comply with the requirement that the applicant appear for a personal interview and at that time complete and submit a written continued request form.

Subd. 8. **Good cause.** A continued request for unemployment benefits that is not filed within the time periods required by this section may be accepted only for those weeks that the applicant has "good cause" for not filing within the time periods required.

Subd. 9. **Good cause defined.** "Good cause" for purposes of this section is a compelling substantial reason that would have prevented a reasonable person acting with due diligence from filing a continued request for unemployment benefits within the time periods required.

"Good cause" does not include forgetfulness, loss of the continued request form, having returned to work, or inability to file a continued request for unemployment benefits by the method designated if the applicant was aware of the inability and did not make diligent effort to have the method of filing a continued request changed by the commissioner. "Good cause" does not include having previously made an attempt to file a continued request for unemployment benefits but where the communication was not considered a continued request because the applicant failed to submit all required information.

**History:** 1999 c 107 s 43,66; 2000 c 343 s 4; 2001 c 175 s 36,37; 1Sp2003 c 3 art 2 s 10,20; 2005 c 112 art 2 s 22,23; 2007 c 128 art 3 s 16,17,24; art 6 s 62-67