

### **305.00 Eligibility for Unemployment Benefits**

An individual must follow the requirements in Mississippi Code Annotated Section 71-5-511 to be eligible for unemployment benefits and to maintain their ongoing eligibility.

#### **305.00 01 Registering for Work**

In order to receive unemployment benefits an individual must be registered for work through the Agency unless they fall within one the following categories of workers:

1. Temporary layoff of less than four (4) weeks;
2. In Agency approved training;
3. Unemployed due to a Labor Dispute; and/or
4. Individuals who have a specific return to work date.

Source: *Miss. Code Ann. §§ 71-5-115 & 71-5-117 (Rev. 2004).*

#### **305.02 Work Search**

Individuals must make an active search for full-time (35 hours or more) work in order to receive unemployment insurance benefits. The Agency defines “actively seeking work” as follows:

1. The individual must register for employment services as prescribed by MDES;
2. The individual must engage in an active weekly search for full-time work that is appropriate in light of the labor market and the individual’s skills and capabilities, and includes an appropriate number of employer contacts as prescribed by MDES;
3. The individual must maintain and provide a record of his/her work search as required by MDES, including employers contacted, method of contact, and date of contact.

The work search requirements for certain individuals may be waived by the Agency for the following reasons: job attached (as defined by the Agency), Jury Duty, Approved Training, and Approved Self-Employment Assistance Program. The Agency may also waive this requirement due to other extenuating circumstances as determined by the Agency through the nonmonetary investigation process.

#### **305.03 Able and Available**

Individuals must be able to work and available for work to be eligible for unemployment benefits with respect to any week. If the Department finds that an individual may not be able to work and available for work due to a medical condition, illness or disability, that individual will be required to provide the Department certification from a physician, medical facility, medical practice, or nurse practitioner that includes the following:

1. Whether the individual was advised to leave work;
2. Whether the individual is released to return to their usual work, and if so, the date of release;

3. If the individual is not released to return to their usual work, an explanation of their restrictions.

After the certification is received, the Department will investigate to determine whether the individual is able to work and available for work. If the Department finds that the individual is not able to work and available for work, an appealable decision outlining the Department's decision will be sent to the individual. If the individual fails to return the medical certificate within time period prescribed by the Department, the Department has the discretion to disallow benefits to the individual for failure to return the requested information.

Source: Miss. Code Ann. §§ 71-5-115 & 71-5-117 (Rev. 2004).