

CENTRAL OFFICE

MEMO



To: All UI Staff

From: Josh McKenna, UI Benefits Bureau Chief

Date: 11/2/2021

Re: Fourteen times (14x) and prior separations

Before the COVID-19 pandemic, the Department regularly looked back at a claimant's prior separations to determine whether those separations should have been ruled on under Idaho Code Section 72-1366(14), commonly referred to as going back fourteen times or 14x. This provision requires, as a condition of eligibility, that the claimant receive wages of at least fourteen (14) times their weekly benefit amount (WBA) following separations due to:

- a. voluntarily quit without good cause;
- b. discharge for misconduct in connection with employment;
- c. failure without good cause to apply for, or accept, suitable work; or
- d. failure to meet the requirements of the job training exception to the voluntary quit disqualification.

Recently, the Department received an opinion from its Deputy Attorney General that there is nothing in the Idaho Code (statutes) or IDAPA (rules) requiring this sort of "look-back" at prior separations that were not previously adjudicated to be due to one of the reasons listed above. Instead, this provision relates to how a claimant requalifies after being denied on one of the issues listed above.

So, in simplest terms, we only adjudicate the last regular employer at the time of filing. This relates only to employment, not self-employment. If a claimant were to quit their most recent employer, go on to self-employment and then come in and file, please review whether the claimant has earned 14x with their self-employment. If they have not provided proof that their gross self-employment earnings are greater than 14x their weekly benefit amount, please adjudicate the separation from employment. This situation should be rare.

In the past, you may have been told to look at things differently if the claimant worked for a new employer for a short period. This is no longer valid. Again, please review the last separation when determining claimant eligibility based on a separation. Remember, chargeability must always be addressed as well. Please determine whether to relieve or charge based on the information you have.

Please realize this guidance covers most, but not every possible situation. If you have questions about whether to adjudicate a separation, please contact your supervisor or a member of the PSA team.