

Eligibility Examples

Reversal in TAA/UI Eligibility

Example

- The claimant was determined eligible during the first two weeks of the month and received a UI or TRA payment.
- In the third week of the month, the claimant was disqualified for the first two weeks of the month and will remain ineligible indefinitely until satisfying the requalifying requirements of the applicable state UI law.

Question: Is the claimant an eligible TAA recipient for the month?

Answer: No, the claimant is not an eligible TAA recipient for the month.

Although initially determined eligible for a UI or TRA payment, a disqualification was issued that reversed the earlier eligibility and, furthermore, imposed an indefinite disqualification. (Note: The claimant may later become an eligible TAA recipient and eligible for HCTC after purging the disqualification imposed and meeting all applicable eligibility requirements).

Note: The SWA should have initially reported the claimant as an eligible TAA recipient and then later issued a correction record using the appropriate code to indicate non-eligibility and reversal of the prior record. (This example assumes the claimant was not an eligible TAA recipient during the prior month).

Breaks-in-Training

Section 233(f) of the Trade Act provides that a worker shall be treated as participating in training during any week which is part of a break that does not exceed 14 days (for petitions filed before November 4, 2002) or 30 days (for petitions filed on or after November 4, 2002). The result is that depending on when the break in training occurs, the worker may be potentially HCTC eligible even if the break exceeds the time limitations.

Example 1 – UI Claimant –TRA (eligibility status) suspended

- The adversely affected worker, covered by a certification, became eligible for UI in January 2003. The worker continues to receive UI until exhaustion and begins receiving TEUC in July 2003, until exhaustion on October 4, 2003.
- The worker obtained a waiver of the training requirement on January 15, 2003, later enrolled in TAA training in February 2003, and began training in March 2003. TAA training ended (summer break) on Friday, May 30, 2003.
- TAA training resumes on September 3, 2003.

Question: Is the UI claimant an eligible TAA recipient and, if so, does eligibility extend throughout the summer break which is longer than 30 days?

Answer: The claimant is not eligible for TRA for the month of July 2003 and is therefore not an eligible TAA recipient for that month.

- The worker became an eligible TAA recipient potentially eligible for the HCTC in January 2003, when he/she received a waiver of the TAA training requirement and

met the specific requirements of section 231(a) of the Trade Act, for receiving TRA, except for not having exhausted UI entitlement.

- The worker was an eligible TAA recipient and potentially eligible for the HCTC in February, March, April, May, as well as June (the record submitted to the HCTC office for May establishes the carry over month of June).
- Although the worker continues to have UI entitlement throughout the break in training, the worker would not be eligible for TRA because the break exceeds the time limitations and TRA would not be payable. The worker would not be an eligible TAA recipient until resuming training; thus, there is no HCTC eligibility for July 2003.
- The resumption of training on September 3, 2003, establishes potential eligibility for the HCTC for both August and September because the compensable week payable on September 6, 2003, will begin on Sunday, August 31. (August is a month of potential HCTC eligibility because the claimant will be an eligible TAA recipient for one day in August and therefore meets the requirement of receipt of TRA for any day of the month).

Example 2 – TRA Claimant – TRA suspended

- The adversely affected worker, covered by a certification, became eligible for UI in August 2002.
- The worker became eligible for TEUC in February 2003, and exhausted TEUC on April 26, 2003.
- The worker then became eligible for 13 weeks of basic TRA, effective April 27, 2003.
- The worker obtained a waiver of the training requirement on January 15, 2003, and later enrolled in TAA training in February, 2003, and began training in March, 2003.
- TAA training ended (summer break) on Friday, May 30, 2003.
- Training resumes on September 3, 2003.

Question: Is the claimant an eligible TAA recipient potentially eligible for the HCTC and, if so, does eligibility extend throughout the summer break which is longer than 30 days?

Answer: The claimant would not receive TRA for the month of July and therefore is not an eligible TAA recipient for that month.

- The worker became an eligible TAA recipient and potentially eligible for the HCTC in January because he/she received a waiver of the TAA training requirement and met the specific requirements of section 231(a) of the Trade Act, receiving TRA, except for not having exhausted UI.
- The worker was an 'eligible TAA recipient' in February, March, April, May, and June (the record submitted to the HCTC office for May establishes the carry over month of June).
- No TRA payments will be issued until the worker resumes training because the break exceeds the time limitations, thus the claimant is not an eligible TAA recipient and not potentially eligible for the HCTC in July 2003.
- The resumption of training on September 3, 2003, establishes potential eligibility for the HCTC for both August and September because the compensable week payable on September 6, 2003, will begin on Sunday, August 31. (August is a month of potential HCTC eligibility because the claimant will be an eligible TAA recipient for one day in August and therefore meets the requirement of receipt of TRA for any day of the month).

Example 3 – UI Claimant (continues eligible TAA recipient status)

- The adversely affected worker, covered by a certification, became eligible for UI in January 2003.
- The worker obtained a waiver of the training requirement on January 15, 2003, later enrolled in TAA training in February 2003, and began training in March 2003. TAA training ended (summer break) on Friday, June 6, 2003.
- TAA training resumes on September 3, 2003. The worker continues to receive UI and begins receiving TEUC in July until exhaustion on October 4, 2003.

Question: Is the claimant an eligible TAA recipient potentially eligible for the HCTC and, if so, does eligibility extend throughout the summer break which is longer than 30 days?

Answer: The break in training will not interrupt the claimant's status of "eligible TAA recipient" in this case and the claimant remains potentially eligible for the HCTC.

- The worker became an eligible TAA recipient potentially eligible for the HCTC in January at the point that he/she received a waiver of the TAA training requirement and met the specific requirements of section 231(a) of the Trade Act, receiving TRA, except for not having exhausted UI entitlement.
- The worker was a 'TAA eligible recipient' in February, March, April, May, and June (the payment in June establishes the carry over month of July).
- The resumption of training on September 3, 2003, establishes potential eligibility for the HCTC for both August and September because the compensable week payable on September 6, 2003, will begin on Sunday, August 31. (August is a month of potential HCTC eligibility because the claimant will be an eligible TAA recipient for one day in August and therefore meets the requirement of receipt of TRA for any day of the month).

Example 4 -TRA claimant (continues eligible TAA recipient status)

- The adversely affected worker, covered by a certification, became eligible for UI in August 2002.
- The worker became eligible for TEUC in February 2003, and exhausted TEUC on April 26, 2003.
- The worker became eligible for 13 weeks of basic TRA, effective April 27, 2003.
- The worker obtained a waiver of the training requirement on January 15, 2003, enrolled in TAA training in February 2003, and began training in March 2003.
- TAA training ended (summer break) on Friday, June 6, 2003 and training is scheduled to resume on September 3, 2003.

Question: Is the claimant an eligible TAA recipient potentially eligible for the HCTC and, if so, does eligibility extend throughout the summer break which is longer than 30 days?

Answer: The break in training will not interrupt the claimant's status of "eligible TAA recipient" in this case and the claimant remains potentially eligible for the HCTC.

- The worker became an eligible TAA recipient potentially eligible for the HCTC in January because he/she received a waiver of the TAA training requirement and met the specific requirements of section 231(a) of the Trade Act, receiving TRA, except for not having exhausted UI.
- The worker was potentially eligible for the HCTC in February, March, April, May, and June (the payment in June establishes the carry over month of July).

- No TRA payments will be issued until the worker resumes training because the break exceeds the time limitations. (Note in Example 3 above, the claimant will continue to receive UI (if otherwise eligible)).
- The resumption of training on September 3, 2003, establishes potential eligibility for the HCTC for the month of September. However, because the compensable week payable for September 6, 2003, will begin on Sunday, August 31, August is a month of potential HCTC eligibility (note: one of the requirements for potential HCTC eligibility is the receipt of a payment for any day of the month).

60-Day Requirement

Section 231(a) of the Trade Act provides that TRA is payable for any week of unemployment that begins more than 60 days after the date on which the petition that resulted in a certification was filed. Therefore, there is a waiting period before TRA is payable.

The following examples illustrate the application of the 60-day requirement but also highlight how a difference in a few days in the filing of the petition may result in a delay in potential HCTC eligibility by a whole month. The examples apply to eligibility for TRA as well as UI.

Example 1

- A petition is filed on June 30, 2003.
- The petition is certified on July 21, 2003, and covers workers separated from the firm beginning on June 1, 2002.
- An adversely affected worker covered by the certification was separated on July 1, 2002, and exhausted UI and TEUC on March 29, 2003.

This individual has exhausted all UI entitlement. However, this worker is not eligible for TRA until the compensable week that begins on Sunday - August 31, 2003, which is the first week that begins more than 60 days after the filing date of the petition that resulted in a certification (and provided he/she meets other eligibility requirements of the Act). Given that the first compensable week begins in August, this worker may be potentially eligible for the HCTC beginning in August but would not be for July.

Assuming the SWA determines week ending 09/06/2003 is payable in September, it would then report this claimant as an eligible TAA recipient for the months of August and September.

Example 2

- A petition is filed on July 10, 2003.
- The petition is certified on August 23, 2003, and covers workers separated from the firm beginning on June 25, 2002.
- An adversely affected worker covered by the certification was separated on July 1, 2002, and exhausted UI and TEUC on March 29, 2003.

This individual has exhausted all UI entitlement. However, this worker cannot be eligible for TRA until the compensable week that begins on Sunday September 14, 2003, which is the first week that begins more than 60 days after the filing date of the certification (and provided he/she meets other eligibility requirements of the Act). Given that the first compensable week begins in September, this worker may be potentially eligible for the HCTC beginning in September, but not during July or August.

Assuming the SWA determines week ending 09/20/2003 is payable in September, it would then report this claimant as an eligible TAA recipient for the month of September.

Example 3

- A petition is filed on June 30, 2003.
- The petition is certified on July 21, 2003, and covers workers separated from the firm beginning on June 1, 2002.
- An adversely affected worker was separated on July 1, 2003, and is eligible for UI.

The worker would be potentially eligible for TRA if he/she exhausted UI, but not until the week of unemployment that begins more than 60 days after the filing date of the petition that was certified. This worker cannot be potentially eligible for TRA (but for exhaustion of UI) until the compensable week that begins on Sunday, August 31, 2003, which is the first week that begins more than 60 days after the filing date of the certification (and provided he/she meets other eligibility requirements of the Act). Given that the first compensable week begins in August, this worker may be potentially eligible for the HCTC beginning in August, but not for July.

Example 4

- A petition is filed on July 10, 2003.
- The petition is certified on August 23, 2003, and covers workers separated from June 25, 2002.
- An adversely affected worker was separated on July 1, 2003, and is eligible for UI.

The worker would be potentially eligible for TRA if he/she exhausted UI, but not until the week of unemployment that begins more than 60 days after the filing date of the petition that was certified. This worker cannot be potentially eligible for TRA until the compensable week that begins on Sunday, September 14, 2003, which is the first week that begins more than 60 days after the filing date of the petition that was certified (and provided he/she meets other eligibility requirements of the Act). Given that the first compensable week begins in September, this worker may be eligible for HCTC beginning in September, but not during July or August.

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Additional Examples

Example 1: An individual is initially determined to be an eligible TAA recipient during the middle of a month.



Example 2: An individual is initially determined to be an eligible TAA recipient at the first of the month.



Example 3: An individual is initially determined to be an eligible TAA recipient at the end of the month during a week that split months.



Example 4: An individual ceases to be an eligible TAA recipient. The individual is potentially eligible for the additional (carry over) month for the HCTC.

