

New York State Department of Labor

Section 800

REGISTERING, REPORTING AND CERTIFICATION

Index 800

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800. Introduction

Requirements for the filing of original and additional claims, reporting and certifying to unemployment at the local insurance office, and reporting to the employment service, are contained in the Unemployment Insurance Law, Section 596, and in the Commissioner of Labor's Regulations 40, 41, 42 and 43.

Although terminology in the Law and regulations varies, the filing of an original or additional claim is customarily referred to as compliance with registration requirements; reporting to the local insurance office (in person or by mail) to certify to a period of unemployment, and to the employment service as directed, are customarily referred to as compliance with reporting requirements.

Failure to comply with registration or reporting requirements may be excused by the Commissioner of Labor if good cause is shown.

Index 800 Registration, Reporting and Certification

805. General

The fact that a claimant makes a wilful false statement upon filing for benefits does not make the claim invalid. (A.B. 37,745-53)

Where a claimant had forged the signatures of witnesses on mail certification forms, it was held that such certifications were null and void and claimant was overpaid for the weeks involved. (A.B. 11,351-44; [A-750-594](#))

Obsoleted by Field Memorandum 2-2001

Where claimant's failure to report as required is excused but he does not subsequently report in such statutory week for unjustifiable reasons, no credit is allowed for days in that week subsequent to the excused failure to report. (A.B. 124,639; [A-750-1644](#))

Obsoleted by Field Memorandum 2-2001

Obsoleted by Field Memorandum 2-2001

Deliberate disregard of specific direction to report daily to the employment office resulted in suspension of benefit rights. (A.B. 9384-43; [A-750-493](#))

Claimant's registration prior to July 1, 1939 was not postdated subsequent thereto because a change in the Law effective after July 1 might result in added advantage to claimant. (A.B. 1243-39)

Directing claimant, a former local office employee, to report to a nearby local office where he is not known to the personnel who will process his claim, is a reasonable exercise of administrative authority. (A.B. 270,061; [A-750-1861](#))

810. Evidence of registration, reporting or certification

Where local office records, which were in order, had no record of an alleged application for benefits, and claimant failed to submit any supporting evidence, he was not credited with such application. (A.B. 205-38; A.B. 389-38; A.B. 476-39)

Where local office records on claim registration were faulty, a claimant's uncontradicted testimony that (s)he had filed a claim for benefits was controlling. (A.B. 600-39)

Where, under special arrangement, union was authorized to accept registrations, and there was no proof that claimant's filings were actually transmitted to local office which had no record of them, the responsibility was the union's and claimant was not credited with alleged filings. (A.B. 940-39)

Obsoleted by Field Memorandum 2-2001

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A claimant's failure to report for a PEER interview scheduled by mail is not excused, when the notice to claimant to report for the interview is properly addressed and not returned by the Post Office, because the Department's normal office procedures in processing, addressing and mailing computer generated mass mailings of Peer appointment notices is presumptive evidence that a particular claimant received mail delivery of the properly sent notice in due course. The

claimant's unsubstantiated contention that the mailed notice was not delivered is insufficient to rebut the presumption. (A.B. 421,884; [A-750-2056](#))

815. Failure to complete registration reporting or certification

Refusal to identify the firm for which claimant last worked constitutes failure to comply with registration requirements, regardless of whether such work was performed as employee or in self-employment. (Matter of Belitsky, 39 AD 2d 1014, Affg. A.B. 166,767; [A-750-1742](#))

Claimant's unwillingness to submit to a classification test by the employment office (stenography and typing) resulted in disqualification for failure to comply with registration requirement. (A.B. 26,302-51; [A-750-1026](#))

A request to a claimant that she sign a consent to enable the Employment Service to ascertain from her physician the nature and extent of her epileptic seizures was within the requirements for registration for work and her refusal to so sign constituted failure to comply with registration requirements because such information was reasonable and necessary to safeguard the interest of the claimant and any prospective co-workers and employer to whom she might be referred. (A.B. 18,419-48; [A-750-869](#); similarly A.B. 26,281-51)

Where claimant refused to answer questions on a prescribed form or at an oral interview relative to prospective employers contacted in seeking employment, held not entitled to receive benefits during the period of such refusal. (Matter of Sorrentino, 27 App. Div. 1073, affg. A.B. 20,361-49; [A-750-964](#))

Where claimant furnishes the names and addresses of the persons with whom she made arrangements for the care of her children during working hours, her refusal to submit a written statement by such persons does not constitute a failure to comply with reporting requirements. (Matter of Haller, 281 App. Div. 737; [A-750-1159](#))

Deliberate disregard of local office instructions to supply the complete addresses of employers visited in a search for work, is a failure to comply with reporting requirements. (A.B. 265,970; [A-750-1859](#))

Obsoleted by Field Memorandum 2-2001

820. Absence from locality

Refusal to divulge the details of an alleged job interview in another city justifies denial of benefits for unavailability on the days of absence from the local office jurisdiction and for failure to report due to such absence. (A.B. 164,715; [A-750-1738](#))

Failure to report by a claimant seeking work in a foreign country was not excused because claimant was unable to report in person to a jurisdiction which is a signatory to the Interstate

Benefit Payment Plan. (A.B. 372,361; [A-750-1977](#))

825. Carfare, lack of

Ordinarily, lack of carfare is not an acceptable excuse for failure to comply with reporting requirements. (A.B. 63,005-58; [A-750-1473](#); similarly A.B. 66,187-58)

830. Death

Death of a close relative was valid excuse for short delay in reporting by a diligent claimant. (A.B. 321-38; A.B. 704-39; A.B. 860-39)

Claimant who made a diligent effort to fulfill requirements was excused for a one-day delay in reporting because of death of a friend. (A.B. 980-39)

835. Expectancy of employment

Delay in registering because of mistaken belief by claimant as to duration of lay-off from work was not excused. (A.B. 243-38)

Recall to work may be a valid reason for not reporting to the Employment Service on the working day immediately preceding the recall date. (A.B. 154,308; [A-750-1722](#); see comments.)

840. Holiday, weekend or other day office is closed

Where claimant, being unemployed on December 24, 1946, on that day attempted to file an application with the local office but found it closed by virtue of a proclamation issued by the Governor declaring the 24th to be a holiday for State employees (though not a legal holiday), held that claimant's request to predate his application filed on December 26th to December 24th should be granted. (A.B. 13,063-46; [A-750-747](#))

Predating of application for benefits filed on the day following a holiday was not allowed where claimant was unemployed but failed to register on the day preceding the holiday. (A.B. 3203-40; [A-750-200](#))

A claimant may not receive credit for any period of unemployment from the day on which an unexcused failure to report occurs, including intervening Saturdays, Sundays or holidays, until he is again entitled to credit by subsequent compliance with the reporting requirements. (A.B. 55,352-56; [A-750-1425](#))

A claimant in an itinerant office may not receive credit for any period of unemployment from the day on which an unexcused failure to report occurs, including intervening weekdays on which the office is closed, until he is again entitled to credit by subsequent compliance with reporting requirements. (Matter of Howard, 43 AD 2d 52; [A-750-1767](#))

Obsoleted by Field Memorandum 2-2001

845. Ignorance

Ignorance of the Law was not accepted as a reason for permitting the predating of an application for benefits. (A.B. 831-39)

Claimant's reliance upon his interpretation of information furnished by the Division with respect to eligibility in a previous year does not warrant predating of claim when claimant furnishes no adequate reason for failure to seek information respecting eligibility during the current year. (A.B. 46,429-54; [A-750-1325](#))

Where Commissioner of Labor's special reporting procedure covering garment workers was modified by a new procedure requiring such claimants to appear in person at the local office on the first day of unemployment, a claimant who was unaware of changed procedure and reported in accordance with old procedure was excused. (A.B. 10,076-43; [A-750-550](#))

A claim is predated to day of registration at the employment service office if the claimant was unaware of his rights and that office failed to question and inform him regarding the filing for unemployment benefits. (A.B. 146,887; [A-750-1703](#))

Where local office neglected to instruct him as to reporting requirements, claimant who was endeavoring to obtain proof of earnings was excused for failure to meet reporting date in that period. (A.B. 1245-39)

Failure to report in person within six months to request credit for a previous period of unemployment was not excused, where it was established claimant failed to read printed instructions or make inquiry of the local office as to his rights and obligations. (A.B. 10,608-44; [A-750-566](#))

850. Illness

Illness of wife on reporting day was good cause for failure to report to placement office. Claimant reported the following day. (A.B. 16,198-47)

Sudden, serious illness of a close relative was a valid excuse for a short delay in reporting on the part of a claimant who had in the past diligently pursued his benefit rights. (A.B. 544-39)

Illness of a relative did not excuse failure to report when subsequent undue delay indicated lack of diligence. (A.B. 2040-40)

855. Ineligibility or disqualification

Failure to file a claim is not excused where claimant failed to do so since he believed that he was not eligible because of loss of employment due to strike, even though that belief was based on

determinations originally made in the cases of other claimants who did file claims and who were ultimately allowed benefits upon a revision of the original determinations. (A.B. 136,139; [A-750-1670](#))

Misapprehension as to eligibility for benefits was not a reasonable excuse for failure to comply with reporting requirements of local office. (A.B. 319-38)

Failure to report is excused if such failure occurs during a disqualification period which is subsequently cancelled by the local office on its own initiative without the claimant having requested a hearing. (A.B. 20,495; [A-750-914](#); similarly, A.B. 56,192-56; A.B. 124,792)

860. Mail irregularities

In the absence of conclusive evidence, the question of whether he received "call-in" card must be resolved against claimant who made no attempt to pursue his benefit claim over a subsequent period of four months. (A.B. 542-39)

Where local office records were incomplete and contradictory, claimant's denial of receipt of "call-in" card was accepted. (A.B. 573-39)

Where failure to receive "call-in" card was due to post office error, faulty mail boxes, or other conditions outside claimant's control, failure to report to local office was excused. (A.B. 111-38; A.B. 336-38)

865. Misinformation

By a Department of Labor employee

Registration was predated where delay in filing was established to have been due to misinformation from Local office. (A.B. 857-39; A.B. 1840-39)

Where claimant's failure to register was attributable to misinformation received from representative of the United States Employment Service, justification existed for predating of application for benefits. (A.B. 11,059)

Predating a claim cannot be based on claimant's allegation that he was misinformed by the local office when giving such information would have been contrary to local office procedures and when there is no evidence of probative value to overcome the presumption of regularity as to compliance with proper local office procedures. (A.B. 55,902-56; [A-750-1432](#))

Diligent claimant's failure to report because of erroneous local office instruction, was excused. (A.B. 656-39; A.B. 1001-39)

Failure to report in person until seven and one-half months had elapsed to request credit for a previous period of unemployment was excused when it was found that instructions to the

claimant were deficient. (A.B. 10,420-44; [A-750-534](#))

If the local office instructed claimant to stop reporting for the remainder of his benefit year when he apparently exhausted his benefits, but some of the benefits became recoverable overpayments due to a back-pay award, the failure to file and report thereafter in the benefit year is excused provided the local office was or should have been aware such award might be received. (A.B. 148,412; [A-750-1709](#))

Where claimant was informed not to continue to report when apparently he had exhausted benefits and, thereafter, he received a back-pay award invalidating his eligibility for the period covered by the award, thereby shifting his true period of eligibility, his failure to continue to report was not excused; a reasonable standard of conduct required him to inform the office of the pending award, especially since he knew of the award at that time and also knew that it provided for the return of unemployment insurance benefits. (A.B. 26,751-51; [A-750-1045](#))

By other than a Department of Labor employee

Delay in registering because of misinformation allegedly received from a union representative was not excused. (A.B. 715-29)

Registration was not predated where claimant's delay was due to his reliance on erroneous information received from sources outside the Division. (A.B. 9440-43; [A-750-469](#))

A claimant's reliance on an employer's representations that (s)he has not been "laid off" despite a cessation of work and, therefore is not eligible to file a claim for benefits, is an excusable reason for an inexperienced claimant's failure to register. (Matter of Maniace, 88 A.D. 2d 1025; [A-750-1930](#))

A claimant who delays filing a claim for benefits following discharge because the employer indicated (s)he may not be eligible while receiving vacation and severance pay is not entitled to predated credit. It is incumbent upon the claimant to verify eligibility status with the local office. (A.B. 335,915; [A-750-1931](#))

A claimant's belief that he was not entitled to unemployment insurance benefits while receiving full worker's compensation cannot serve to excuse his failure to comply with registration requirements even though the worker's compensation benefits are retroactively reduced. (A.B. 397,309; [A-750-2027](#))

870. Misunderstanding

Where a diligent claimant's delay in reporting was attributable to an honest misunderstanding of ambiguous local office instructions, such delay was excused. (A.B. 606-39; A.B. 690-39)

Excuse of misunderstanding of requirements was not credited where claimant had reported in accordance with instructions in the past. (A.B. 1255-39)

Alleged misunderstanding of instructions by illiterate claimant was not a valid excuse for failure to report when he made no effort to pursue his claim for a long period subsequently. (A.B. 638-39)

A claimant's belief that he was not entitled to unemployment insurance benefits while receiving full worker's compensation cannot serve to excuse his failure to comply with registration requirements even though the worker's compensation benefits are retroactively reduced. (A.B. 397,309; [A-750-2027](#))

875. Seeking work

On his due dates at the employment service office a claimant sought employment elsewhere and although allegedly lacking carfare, was not excused for his failure to report where it was found that it was possible for him to report, but that he made no effort to do so. (A.B. 12,275-45; [A-750-688](#))

Reporting one day late was excused when uncontroverted evidence showed that the lateness was due to claimant's search for employment in a different state. (A.B. 9272-43; [A-750-548](#))

Refusal to divulge the details of an alleged job interview in another city justifies denial of benefits for unavailability on the days of absence from the local office jurisdiction and for failure to report due to much absence. (A.B. 164,715; [A-750-1738](#))

Failure to report by a claimant seeking work in a foreign country was not excused because claimant was unable to report in person to a jurisdiction which is a signatory to the Interstate Benefit Payment Plan. (A.B. 372,361; [A-750-1977](#))

895. Other reasons

Claimant did not exercise due diligence in reporting where she did not bother to read her card because she assumed that her reporting date would continue to coincide with that of her friend. (A.B. 510-39)

Bad eyesight was not an acceptable excuse for failure to report when claimant had no difficulty in reading reporting dates correctly over a long period. (A.B. 767-39)

Failure to report by a claimant seeking work in a foreign country was not excused because claimant was unable to report in person to a jurisdiction which is a signatory to the Interstate Benefit Payment Plan. (A.B. 372,301; [A-750-1977](#))

