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## **CHAPTER 208. BENEFIT CLAIMS**

### **Subchapter A. Filing of Claim**

#### **Sec. 208.001. Filing; Information Notices**

- (a) Claims for benefits shall be made in accordance with rules adopted by the commission. An unemployed individual who does not have a current benefit year may file an initial claim in accordance with commission rules.
- (b) The commission shall supply, without cost to each employer, printed notices that provide general information about filing a claim for unemployment benefits. Each employer shall post and maintain the notices in places accessible to the individuals in the employ of the employer.

#### **Sec. 208.002. Initial Claim; Last Work**

- (a) When used in connection with an initial claim, "last work" and "person for whom the claimant last worked" refer to:
  - (1) the last person for whom the claimant actually worked, if the claimant worked for that person for at least 30 hours during a week; or
  - (2) the employer, as defined by Subchapter C, Chapter 201, or by the unemployment law of any other state, for whom the claimant last worked.
- (b) The commission shall mail a notice of the filing of an initial claim to the person for whom the claimant last worked before the effective date of the initial claim. If the person for whom the claimant last worked has more than one branch or division operating at different locations, the commission shall mail the notice to the branch or division at which the claimant last worked.
- (c) Mailing of a notice under this section to the correct address of the person, branch, or division for which the claimant last worked constitutes notice of the claim to the person.

#### **Sec. 208.003. Notice to Employer**

- (a) An employer may designate in writing to the commission an address for mail service.
- (b) If an employer designates a mailing address under Subsection (a), mailing of notice of claims, determinations, or other decisions to that address constitutes notice to the employer.

#### **Sec. 208.004. Notification of Adverse Facts Affecting Claim; Waiver**

- (a) A person to whom notice is mailed under Section 208.002 shall notify the commission promptly of any facts known to the person that may:

- (1) adversely affect the claimant's right to benefits; or
  - (2) affect a charge to the person's account.
- (a-1) A notification provided by a person under Subsection (a), including an initial response to a notice mailed to the person under Section 208.002, must include sufficient factual information to allow the commission to make a determination regarding the claimant's entitlement to benefits under this subtitle.
- (b) A person who does not mail or otherwise deliver that notification to the commission within 14 days after the date notice of a claim was mailed to the person by the commission waives all rights in connection with the claim, including rights the person may have under Subchapter B, Chapter 204, other than rights relating to a clerical or machine error as to the amount of the person's chargeback or maximum potential chargeback in connection with the claim for benefits.
- (c) Notwithstanding Subchapter B, Chapter 204, benefits paid to a claimant that are not in accordance with the final determination or decision under this subtitle shall be charged to the account of a person if:
- (1) the person, or the person's agent, without good cause, fails to provide adequate or timely notification under this section; and
  - (2) the commission determines that the person, or the person's agent, has failed to provide timely or adequate notification under this section on at least two prior occasions.
- (d) For purposes of Subsection (c), a notification is not adequate if the notification merely alleges that a claimant is not entitled to benefits without providing sufficient factual information, other than a general statement of the law, to support the allegation.
- (e) For purposes of Subsection (c), good cause is established only by showing that a person, or the person's agent, was prevented from complying with this section due to compelling circumstances that were beyond the person's control.
- (f) The commission may adopt rules as necessary to implement this section.

## **Subchapter B. Claim Determination**

### **Sec. 208.021. Initial Claim Determination**

- (a) The commission shall determine whether an initial claim is valid.
- (b) For each valid initial claim, the commission shall determine:
  - (1) the claimant's benefit year;

- (2) the benefit amount for total unemployment; and
- (3) the duration of benefits.

**Sec. 208.022. Notice of Initial Claim Determination**

The commission shall mail a notice of the determination of an initial claim to the claimant's last known address as shown by the commission's records.

**Sec. 208.023. Request for Redetermination or Appeal by Claimant**

A claimant, within 14 days after the date the commission mailed notice of the commission's determination to the claimant under Section 208.022, may request a redetermination of or may appeal the commission's determination of the validity of an initial claim in the manner provided by Chapter 212.