

12 DEPARTMENT OF LABOR

172 BUREAU OF UNEMPLOYMENT COMPENSATION

Chapter 8: PAYMENTS FOR DEPENDENTS

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Summary: This chapter establishes procedures for payment of dependency allowances.

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1. Supplemental Weekly Benefit for Dependents.

A. Meaning of terms. For the purposes of subsection 6 of section 1191 of the Employment Security Law (26 M.R.S. § 1191(6)), the following terms shall have the following meanings.

1. In addition to any other statutory provisions, "child" means one of the following: a natural-born child; an adopted child; or a step-child who has not reached the age of 18, or who has not yet reached the age of 23 if a student, or who or over the age of 18 years if physically and mentally incapacitated from earning and dependent upon the claimant.
2. "Step-child" means a child born to or adopted by the claimant's spouse prior to their present marriage.
3. "Unemancipated child" means a child who is under the control and supervision of a parent or parents. A child who is married is no longer "unemancipated".
4. "Supported" means that the claimant who is applying for the dependency allowance is furnishing housing, food, clothing, education, medical care, or other related expenses for the the dependent child on a regular basis.
5. "Dependent upon" means that the child receives more than *de minimis*, incidental or intermittent support, in terms of housing, food, clothing, education, or medical care from the claimant.

B. The bureau will not normally require complete documentation with every request for supplemental weekly benefits for dependents. However, supplemental weekly benefits for dependents shall not be paid for any week for which the claimant fails, following a request for such evidence, to furnish a birth certificate, certificate of enrollment, medical document or other evidence required by the bureau to determine the status of a dependent within fourteen (14) days of the request. If the claimant's failure to provide the requested evidence within fourteen (14) days of such request is due to good cause, supplemental weekly benefits for

dependents will be allowed retroactively from the week in which the request for such dependency allowance was made, provided the claimant meets all other requirements for the payment of dependency allowances. If the delay in providing requested evidence is not due to good cause, the dependency allowance would be paid effective with the week in which the evidence is received in the local office but would not be allowed retroactively.

- C. If both parents qualify for benefit rights for the same week, only one parent for the dependent child for the week may be eligible to receive supplemental benefits for dependents for that week. The eligible parent will be determined as follows:
1. If the parents are married and/or living in the same household, the parent who filed first for unemployment benefit will receive supplemental benefits.
  2. If the parents are not living in the same household, and the parents have shared primary residential care (joint custody) of the dependent, the parent who filed first for unemployment benefit will receive supplemental benefits.
  3. If the parents are not living in the same household, and one parent has primary residential care of the dependent, the custodial parent will receive supplemental benefits.
- D. If the parent eligible for supplemental benefits pursuant to paragraph C above stops receiving unemployment benefits, the other parent will then be eligible to receive supplemental benefits for any week for which benefits are claimed thereafter.
- E. Nonmonetary determinations - dependency allowances.
1. An initial determination of eligibility for supplemental weekly benefits for dependents will be made as soon as possible after the request for such benefits is filed. If the deputy determines that such benefits are to be denied, a written determination will be rendered.
  2. If, after the claimant has been found eligible for supplemental weekly benefits for dependents, the claimant ceases to be eligible for such benefit, the deputy will issue a determination denying such benefit.
  3. Payment of regular or additional benefits will not be delayed due to any delay in the processing of the application for supplemental weekly benefits for dependents.



STATUTORY AUTHORITY: 26 M.R.S.A. Sec. 1191 (6)

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