Unemployment Compensation

Clients frequently ask whether they can receive unemployment compensation while waiting for a claim to be decided in a Workers' Compensation case. The answer, as usual is it depends on the status of the case. If you are working light duty as a result of your injury and your employer lays you off you are eligible to apply for unemployment compensation. This is because you are willing and available to do light duty employment but the employer no longer makes the job available. It is important to remember if you receive unemployment compensation it can be deemed an offset against workers' compensation benefits. Therefore, if you are on unemployment and you then receive an award of workers' compensation, that award will be reduced by the amount of unemployment received (subject to an adjustment for taxes paid). In the alternative if you are totally disabled and unable to perform any work at all it is inappropriate to apply for unemployment compensation. This is because unemployment compensation requires a certification that you are available for work.