

# DECISION DIGEST

*Actual cases and rulings from Princeton Claims Management*

**NJHA**  
HEALTHCARE  
BUSINESS SOLUTIONS

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## UI ELIGIBILITY FOR MILITARY TRAILING SPOUSE

### **B**ackground

A medical assistant (employee) resigned in July 2016 to join her military husband, who received orders of a transfer to another state. Her military husband transferred to the new location in September of 2015, while she remained on the job until their children completed the school year.

### **P**rocess

The former employee (claimant) filed an unemployment claim and was held disqualified for UI benefits, as the deputy determined that she voluntarily left her job without good cause. She disagreed with the determination and contended she had good cause for leaving because she was a “trailing military spouse.” Under the NJ UI Law, an individual who quits to accompany his or her active military spouse or civil union partner to a new place of residence outside the State, due to the military member’s transfer to a new assignment is eligible for UI benefits.

The claimant appeared for the hearing with counsel, while the employer chose not to participate. At the hearing, the claimant provided evidence of her husband’s military orders substantiating his transfer to another state. She testified she did not relocate with her husband immediately because she wanted their children to complete the school year in New Jersey. The claimant joined her husband at his new military assignment in another state ten months later. Her attorney acknowledged the claimant did not meet the “not more than nine months” requirement when moving for a military spouse, but said she stayed for compelling reasons and should be eligible for UI benefits. The “trailing spouse or civil union partner” provision under N.J.S.A. 43:21-5(k), allows benefits to individuals who leave work “not more than nine months” after the spouse or civil union partner is transferred. The claimant’s attorney argued it was unfair to penalize the claimant for putting her children’s interests first and if she had been aware of the nine month requirement she would have relocated sooner.

### **J**udgment

The examiner rejected the claimant’s argument and held the claimant did not have good cause for leaving the job because she did not relocate within the nine month requirement under the law. Since she exceeded the requirement by one month, she continued to be disqualified for benefits, as she failed to meet the criteria under N.J.S.A. 43:21-5(k) to avoid disqualification.

*This case illustrates that although the DOL liberally construes the NJ UI Law on behalf of claimants, it does not contravene its regulations because an individual is unaware of the conditions for eligibility.*

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