

EMPLOYMENT SECURITY COMMISSION OF NORTH CAROLINA

INTERPRETATION NO. 262, SUPPLEMENT 1

TO: Employment Security Commission

FROM: T. S. Whitaker, Chief Counsel

SUBJECT: Bona Fide Permanent Employment

Interpretation No. 262, adopted by the Commission on July 6, 1984, addresses the issue of a claimant who has accepted permanent employment but works between one day but not greater than 30 days, and who then quits and reopens the claim. Prior to Interpretation 262, this employment was not considered as it was not greater than 30 days duration.

Interpretation 262 specifically does not address the situation where a claimant has accepted permanent employment between one day but not greater than 30 days and is discharged. Based on inquiries received subsequent to the adoption of Interpretation 262, if any possible issue of this situation in a discharge context under G.S. 96-14(2) or (2A) is apparent to any employee of the Commission or brought to the Commission's attention, it also should be raised and adjudicated. This Supplement and the prior Interpretation apply to any individual who has established a valid benefit year and also to a case wherein a benefit year ends and the claimant subsequently accepts permanent employment between one day but not greater than 30 days and becomes unemployed with an issue under G.S. 96-14(1), (2) or (2A) before establishing a new benefit year. In the latter situation, this Interpretation and Supplement apply even though the claim is within a new benefit year.

Whether or not the claimant is receiving unemployment insurance benefits when the employment occurs is not material since Commission Regulation 2.14 defines a "claimant" in terms of one who "files a claim" and not one who is receiving benefits.

Adopted as an official Interpretation by the Commission on April 12, 1985.

This Supplement I cancels and replaces Supplement I, Interpretation No. 262, adopted on September 21, 1984.