

Rights and Responsibilities

Unemployment Insurance Recipient's Rights and Responsibilities for the Training Enrollment Verification (DE 3422D) for the California Training Benefit Program

As required by California Code of Regulations, Title 22, Section 1326-6, school or training attendance must be reported to the Employment Development Department (EDD) in the week school or training begins while receiving unemployment insurance (UI) benefits. If you are currently receiving UI payments, school or training attendance may affect your eligibility for continued UI payments unless you are determined eligible for the California Training Benefits (CTB) program by the EDD.

Your training is authorized under a designated program that has automatic Director's approval for the CTB program as long as you meet all other UI eligibility criteria. However, the EDD needs the program information on the *Training Enrollment Verification* (DE 3422D) to expedite your CTB approval.

In addition, you must sign the DE 3422D authorization in order to give your program permission to release your training information to the EDD to determine your CTB eligibility without contacting you directly to obtain the information. Unemployment insurance payments can not be paid until you are determined eligible and your Continued Claim form (DE 4581) is received.

Before you sign the *Training Enrollment Verification* form, you must know your UI rights and responsibilities by reading the following information and the *CTB Fact Sheet* (DE 8714U). **However, signing the *Training Enrollment Verification* does not guarantee your entitlement or eligibility for CTB or continued UI payments unless the legal pre-conditions are met and you continue to meet all eligibility criteria.** After reading, keep this document for your records.

Legal Pre-Conditions for CTB Eligibility

Once the completed and signed *Training Enrollment Verification* form is received by the EDD, your UI claim will be reviewed and your request for CTB will be processed. If all of the following legal pre-conditions are met, you will be approved for CTB and should expect UI payments to continue:

- You have a valid and potentially payable UI claim on file with the EDD.
- You are currently receiving UI payments and there are no existing disqualifications or other potential eligibility issues preventing continued UI payments on your claim.
- You are currently attending the school or training as indicated by your training sponsor and will report this information on your Continued Claim forms for the week you began school.
- You have waived the receipt of discretionary funds, if any.

Unsigned Training Enrollment Verification

You have the right not to sign the *Training Enrollment Verification* authorization. If you choose not to sign the authorization, the training information will not be released to the EDD and the EDD can not determine your eligibility for CTB. It will then be **your** responsibility to notify the EDD of your school attendance, which will result in a scheduled telephone eligibility interview at a later date. No UI payments can be made until the interview is conducted and you are found eligible.

If you willfully give false information or withhold information about school or training attendance in order to claim benefits, you may be subject to a false statement disqualification penalty that denies UI payments from 2 to 23 weeks. If you also receive UI benefits you were not entitled to receive due to unreported school or training attendance, you may be subject to an overpayment disqualification, which must be repaid.

Discretionary Funds Waiver

If your program representative marked the box in Section E of page 2 on the *Training Enrollment Verification* form, this indicates you are receiving discretionary funds. You will need to sign a statement agreeing to stop receiving the discretionary funds to be eligible for CTB. As provided by law, discretionary funds are federal or state training or retraining benefits, allowances, or stipends paid by the training provider, the funding source, or the training sponsor as cash in-hand payments available to be used as the individual sees fit. Direct payments and reimbursements for training costs to the individual, such as transportation, tuition, books, and supplies are not discretionary funds. Indirect payments made to training facilities such as student loans, Montgomery GI Bill, or Pell Grants are also not discretionary funds.

You must sign the *Training Enrollment Verification* discretionary funds waiver statement **if** you are willing to give up receipt of discretionary funds. You have the right not to sign the statement and continue receiving discretionary funds. However, if you choose not to sign the statement you will not be eligible for CTB, which may affect your continued eligibility for UI payments.

CTB Eligibility

When the EDD determines you are eligible for the CTB program, you will be mailed a *Notice of Determination* (DE 1080), by the EDD within ten working days from the date the *Training Enrollment Verification* is received and processed by the EDD. After that, any pending UI payments will be issued if you are otherwise eligible to receive the payments. You can access recorded information, which updated daily, about your most recent UI payment, by calling the EDD at 1-866-333-4606, 24 hours per day, 7 days a week.

Once you receive the *Notice of Determination* you are responsible for reviewing the training information on the notice to make sure it agrees with the training information submitted on the *Training Enrollment Verification* form. Your potential eligibility for a training extension (TE), when available, is also included in the *Notice of Determination*. As an eligible CTB program participant, you will be exempt from UI work search and availability requirements during the period of approved training and UI payments will continue as long as you meet all other eligibility criteria.

Be sure to read the entire *Notice of Determination* and follow the Rights and Responsibilities section on the notice for ongoing CTB/TE eligibility requirements. If you have questions about the form or need to make corrections, you will need to contact the EDD at one of the toll-free numbers listed on the form or by submitting your question on-line through the EDD Web site www.edd.ca.gov and click on the link "Contact EDD" at the top or bottom of the screen.

Eligibility Exceptions

If all the CTB legal pre-conditions are not met, you have other potential eligibility issues or you are currently under a disqualification, you may not be eligible for the CTB program. If questions about your eligibility need to be resolved, you will be scheduled for a telephone eligibility interview and no UI payments can be made until the interview is conducted and you are found eligible.

If for some reason the EDD can not complete your CTB eligibility a form will be mailed with instructions on what you need to do or you will be scheduled for a telephone eligibility interview. Examples of reasons why CTB eligibility cannot be completed include:

- You need to file a claim.
- You were previously denied UI payments.
- The EDD must resolve other eligibility issues.

In the event you are **not** eligible to receive UI benefits (including denial of CTB), you will be mailed a *Notice of Determination* indicating the reason. You have the right to file an appeal with the EDD if you disagree with the information on the notice.