
Late claim—period of disqualification

Seven weeks after employment terminated, a claim for unemployment benefit was made for those weeks. The local tribunal found no good cause for failure to claim within the prescribed time but reduced the period of disqualification for late claim from seven weeks to three weeks.

Held that the local tribunal had no option but to hold that claimant was disqualified for the whole period covered by the late claim.

1. My decision is that the claimant is disqualified for receiving unemployment benefit from the 28th January, 1956 to the 17th March, 1956 both dates included.

2. The claimant was employed as a sales representative to the 27th January, 1956. He obtained other employment to commence on the 19th March, 1956. He made no claim to unemployment benefit in the interval but on the 19th March, 1956 the day on which he recommenced employment, he claimed unemployment benefit from and including the 28th January, 1956.

3. Unemployment benefit must as a general rule be claimed on the day in respect of which the claim is made, and a claimant is disqualified for receiving benefit which is not thus claimed in time, unless he proves that there was good cause for his failure to claim before the date on which the claim was actually made.

4. The reason which the claimant gives for his failure to claim before the 19th March, 1956 is that he had been misinformed by colleagues in his last employment to the effect that unemployment benefit was not payable during the first six weeks of unemployment. This information was erroneous. It is true that there are certain cases in which a person may be disqualified (under Section 13 of the National Insurance Act, 1946) for receiving unemployment benefit for a period not exceeding six weeks, for instance if he voluntarily leaves his employment without just cause. The claimant voluntarily left his employment as a sales representative, and the misconception may have arisen for that reason, although in point of fact the insurance officer decided that the claimant had just cause for leaving on the 27th January, 1956 and was therefore not subject to any disqualification for that reason.

5. I cannot hold that the fact that the claimant was given wrong information by his colleagues provides him with just cause for failing to claim benefit in time. The simple and obvious course, if he were in doubt whether he was entitled to unemployment benefit or how he should claim it, was to

inquire at an employment exchange, one of whose functions is to assist inquirers. A delay in claiming which arises from hearsay information, when sound information is readily obtainable, does not, in my judgment, arise from good cause.

6. The local tribunal held that good cause for failure to claim within the prescribed time was not established, and in that I agree, but they went on to reduce the period of disqualification, which extended for seven weeks from the 28th January, 1956 to the 17th March, 1956 to a period of three weeks from the 28th January, 1956. The tribunal had no jurisdiction to make such a reduction. Once they had decided that the claimant had not proved good cause for failing to claim before the 19th March, 1956 (which decision was in my judgment undoubtedly correct on the evidence) the tribunal had no option but to hold that he was disqualified for the whole period covered by the late claim. See the National Insurance (Claims and Payments) Regulations, 1948 [S.I. 1948 No. 1041] Regulation 11 and Second Schedule Part I, item 7, respectively substituted and added by the National Insurance (Claims and Payments) Amendment Regulations, 1952 [S.I. 1952 No. 1207] Regulation 3 and Schedule A.

7. The insurance officer's appeal is allowed, with the effect stated in the first paragraph of this decision.
