

Texas Workforce Commission

# Unemployment Benefits Handbook

Complete Your Work Search  
Application at [WorkInTexas.com](http://WorkInTexas.com)



BI-99ES (0112)

Get more information at [ui.texasworkforce.org](http://ui.texasworkforce.org)

# Table of Contents

Unemployment Benefits Handbook .....	2
What Is TUCA? .....	2
Texas Workforce Solutions: Help for Job Hunters .....	3
Frequently Asked Questions .....	4
Fraud Warnings .....	5
Repaying Overpayments.....	5
Not a U.S. Citizen? .....	5
Qualifying for Unemployment Benefits.....	6
1. Base Period Wages .....	6
Base Period Chart .....	7
2. Job Separations.....	8
Temporary Help Firms / Staff Leasing Firms .....	8
3. Able and Available for Work .....	9
Investigating Your Claim .....	9
Ending a Disqualification .....	9
Payment Requests and Options.....	10
Working and Receiving Benefits .....	11
Working and Reporting Income.....	11
Tell TWC If You Move .....	12
The Waiting Week .....	12
Protecting Your Privacy .....	12
Paying Taxes on Your Benefits .....	12
Staying Eligible for Benefits .....	13
Did You Find a Job?.....	13
If These Work Issues Affect You.....	14
Understanding Your Appeal Rights.....	16
Quick Reference .....	18

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## Unemployment Benefits Handbook

The Texas Workforce Commission (TWC) sends this handbook to individuals who apply for unemployment benefits. The handbook explains your rights and responsibilities. Read it carefully and refer to it when you have questions because you are responsible for knowing the information.

### What Is TUCA?

The Texas Unemployment Compensation Act (TUCA), Title 4, Subtitle A of the Texas Labor Code, governs how TWC administers unemployment benefits. Read about [TUCA](#) and other laws at [www.texasworkforce.org](http://www.texasworkforce.org).

## Texas Workforce Solutions: Help for Job Hunters

Texas Workforce Solutions, a statewide network of one-stop centers, can help you:

- Find the best jobs;
- Write job-winning résumés;
- Ace your job interviews; and
- Find opportunities for training.

Texas Workforce Solutions offices put you in front of the right employers with the right jobs. Visit an **office** to take advantage of free job search services. The address of your nearest office is on the letter we sent with this handbook.



### On the Web

[WorkInTexas.com](http://WorkInTexas.com)  
[ui.texasworkforce.org](http://ui.texasworkforce.org)  
[www.texasworkforce.org](http://www.texasworkforce.org)

### Visit your Workforce Solutions office for:

- **Computers.** Use the computers to **complete your work search application** at [WorkInTexas.com](http://WorkInTexas.com), search for Texas jobs, and connect to nationwide job banks.
- **Job Resources.** Internet access, phones, printers, fax machines, local newspapers, and other resources.
- **Job Search Assistance.** Career counseling and job search training, advice on writing résumés, job preparation, and interviewing skills.
- **Job Fairs and Workshops.** Check out local labor market information to find employers who are hiring.
- **Texas Workforce Commission (TWC) Brochures.** Pick up free brochures on unemployment benefits, payment options, and more.

## Commission-Approved Training Opportunities

If you meet the requirements for Commission-approved training, TWC may exempt you from work search requirements while you receive benefits. Speak with Workforce Solutions staff to start the process on whether your desired training meets the requirements.



## Frequently Asked Questions



### **Q. I lost my job. What do I do now?**

The most important thing is to find another job. Within three business days of applying for benefits, complete your required work search application at [WorkInTexas.com](http://WorkInTexas.com), or at a Texas Workforce Solutions office or public workforce office in the state where you are located.

Unless TWC exempts you from work search activities, you must look for work each week to receive benefits. Your minimum number of weekly work search activities is on the letter we sent with this handbook. See **Page 3** for more job services.

### **Q. Will I get unemployment benefits?**

Not everyone who applies gets benefits. We review your past wages and investigate why you are no longer working to determine whether we can pay you benefits. You can appeal any decision against you. See **Page 16**.

### **Q. How do I request benefit payments?**

Request payment online at [ui.texasworkforce.org](http://ui.texasworkforce.org) or call **Tele-Serv**, our automated response system at **1-800-558-8321** and follow the prompts.

### **Q. When will I get my first benefit payment?**

If you meet all requirements and request payment on time, you may get your first payment about four weeks after the date you applied.

### **Q. Why is my first payment for one week?**

The first week is the “waiting week.” See **Page 12** for an explanation.

### **Q. How can I check my claim status?**

Check your claim status and payment history at [ui.texasworkforce.org](http://ui.texasworkforce.org) or call **Tele-Serv** at **1-800-558-8321**, and follow the prompts.

### **Q. What can I do online?**

Go to [ui.texasworkforce.org](http://ui.texasworkforce.org) to request payments, select your payment option, view claim and payment status, check your appeal status, estimate your benefits, download a work search log, and more.

### **Q. How do I stop my claim?**

When you return to full-time work, stop requesting payment and call the Tele-Center. If you return to work in the middle of a payment period, request payment for the hours you were not working. **You must report your earnings for the hours you worked during the payment period.**

### **Q. Did I pay unemployment taxes when I was working?**

No. In Texas, employers pay for your benefits. It is against the law for employers to deduct unemployment taxes from your wages.

## Fraud Warnings

**Unemployment fraud is a serious crime that TWC aggressively pursues.** If you commit fraud, you lose any remaining benefits and must repay the benefits you received. If convicted of fraud, you face fines or jail time, or both.

Fraud includes:

- Not reporting all hours worked and earnings for the week you requested payment;
- Requesting benefits while working full time;
- Intentionally giving TWC false information; or
- Using another person's identity to apply for or receive benefits.

You must report all hours worked and earnings **each time** you request payment. We compare your payment requests with state and federal hiring and wage databases. **If you request payment without reporting income**, you face fraud charges.

## Repaying Overpayments

**You must repay any benefits you receive in error.** TWC sends a *Decision on Payment* that explains why you owe us money.

If you cannot repay the entire amount immediately, ask us if you can set up a repayment plan. If you were overpaid benefits in another state and apply for benefits in Texas, we send your benefits to the other state until the overpayment is paid. If you receive benefits from another state, we ask that state to recover the money for us.

See [Unemployment Benefits Overpayments](https://www.ui.texasworkforce.org) on [ui.texasworkforce.org](https://www.ui.texasworkforce.org).



### Not a U.S. Citizen?

TWC can pay benefits only to U.S. citizens and noncitizens authorized to work in the United States.

If you are not a U.S. citizen, we must verify your Alien Registration number with U.S. Citizenship and Immigration Services (CIS).

If CIS cannot confirm that you worked legally in the United States, we ask you for copies of your documents and send them to CIS. If you worked here illegally, we cannot pay you benefits or use wages earned during that time to calculate benefits.

**Important! Overpayments stay on your record until repaid.**

# Qualifying for Unemployment Benefits

Unemployment benefits provide temporary income to qualified workers who lose their jobs through no fault of their own. Employers fund this program; employees do not contribute to unemployment benefits.

## 1. Base Period Wages

We send you a *Statement of Wages and Potential Benefit Amounts* (benefit statement) that tells you whether you have enough wages during your **base period** (the first four of the last five completed calendar quarters before the start date of your claim) to qualify for benefits. (A base period chart is on **Page 7**.)

The benefit statement includes your weekly benefit amount (**WBA**), the maximum benefit amount (**MBA**) allowed during your benefit year, which is the 12 months your claim is in effect, and information on how TWC calculated your benefit amounts.

Call us immediately if your benefit statement has the wrong Social Security number or your wages are incorrect.

If you worked for the federal government, the military, or in other states, your first benefit statement might not include those wages. We send you a new benefit statement whenever we receive additional wage information.

**Alternate Base Period:** If you were out of work for at least seven weeks during your base period because of a medically verifiable illness, injury, disability, or pregnancy that began within 24 months from your claim start date, ask us if you can use an alternate base period.

## Qualifications

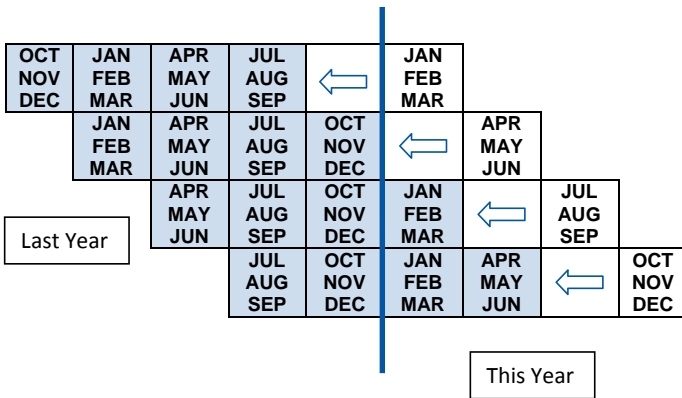
You must qualify in all of these areas to receive unemployment benefits:

1. Base period wages
2. Job separations
3. Able and available for full-time work



## How to Figure Your Base Period

Find the month you filed your claim in the **white** boxes. The quarters in the **blue** boxes on the same line make up your base period.



## Figuring your weekly benefit amount

Figure your weekly benefit amount (WBA) from the wages on your benefit statement. Select the base period quarter with the highest wages. Divide the high quarter's total wages by 25 and round to the nearest dollar to get your WBA. Your WBA cannot exceed the current maximum WBA allowed by law. The current maximum WBA is on your benefit statement.

Your maximum benefit amount is the lesser of 26 times your weekly amount or 27 percent of all your wages in the base period.

## Determining whether you qualify for benefits

To determine whether you have enough wages in your base period to qualify for benefits, figure your WBA by following the instructions in the section above.

When you have determined your WBA:

- Multiply your WBA by 37. You must have at least that much in base period wages.
- You must have had wages in more than one base period quarter.
- If you qualified for benefits on a prior claim, you must have earned six times your new WBA since that time.

## 2. Job Separations

To qualify for benefits based on your **job separation**, you must be either unemployed or working reduced hours through no fault of your own, such as a layoff, a reduction in hours or wages not related to misconduct, or being fired for reasons other than misconduct.

### Quitting Your Job

Most people who quit their jobs do not receive unemployment benefits.

- If you quit for good work-related reasons, such as unsafe working conditions or a change in pay or hours, be prepared to present evidence that you tried to correct the problem before you quit.
- If you quit your job for personal reasons, such as to return to school full time or stay home with your children, we cannot pay you benefits.

### We might be able to pay you if:

- You had a medically documented illness that prevented you from working, but you are now able to work;
- You quit to move with your spouse (Texas reduces the number of weeks and benefits you can receive. This reduction does not apply to most military spouses); or
- You have a well-documented case of family violence or stalking.



### Temporary Help Firms

If you last worked for a temporary help agency, that agency has three business days after your last assignment ends to offer a new assignment. If you apply for benefits without seeking immediate reassignment or before three business days have passed, we cannot pay you benefits. See [How Temporary Work Affects Your Benefits](https://www.ui.texasworkforce.org) on [ui.texasworkforce.org](https://www.ui.texasworkforce.org).

### Staff Leasing Firms

If you last worked for a staff leasing company, you must contact that company immediately for a new assignment.



### 3. Able and Available for Work

Unless TWC exempts you from work search requirements, you normally must be **able and available for full-time work and meet your minimum work search requirements** each week you request payment. If you work part time and receive benefits, you must continue to look for **full-time work** each week that you request benefits.



#### **Able and available for full-time work means you:**

- are able and available for job search and interviews;
- are able to work the days and hours required of the job;
- have transportation and child care;
- would accept normal wages for your qualifications and experience; and
- lowered your wage demand to **75 percent of your normal wage** by the 8<sup>th</sup> week of unemployment.

## *Investigating Your Claim*

It can take about **four weeks** for TWC to determine whether you qualify for benefits. We must notify your last employer and investigate your job separation and other issues. When we complete the investigation:

- **You receive benefits** if you have enough base period wages and no disqualifying eligibility or job separation issues, and file your payment requests on time.
- **You do not receive** benefits if you do not have enough base period wages or have one or more disqualifying issues.
- **TWC mails** you a decision on each issue telling you whether we can pay you benefits. If you disagree, you can appeal the decision.

## *Ending a Disqualification*

If TWC disqualifies you from receiving benefits because of your job separation or other reasons, you can request that we end the disqualification if you return to work and:

- Work at least 30 hours a week for six weeks **or** earn wages equal to six times your weekly benefit amount; **and**
- Provide TWC with proof of your work or earnings **and** request that we end the disqualification.

To receive benefits after ending a disqualification, you must have a qualifying separation from your last job. You can fulfill the work or earnings requirements while you are working at a part-time job. See **[How do I requalify for benefits?](#)** on **[ui.texasworkforce.org](http://ui.texasworkforce.org)**.

# Payment Requests and Options

We mailed you a letter explaining how and when to request benefit payments. You can request payment every two weeks on your scheduled day by calling Tele-Serv at **1-800-558-8321** and following the prompts, or any day of your claim week on [ui.texasworkforce.org](http://ui.texasworkforce.org).

Request benefit payments on time or you might not be paid. Choose one of the following two options to receive payment:

## 1. Direct Deposit

To have TWC deposit your benefits directly into a checking or savings account, select **direct deposit** as a **Payment Option** at [ui.texasworkforce.org](http://ui.texasworkforce.org), or call Tele-Serv and follow the prompts. You need the nine-digit routing number, account number, and account type of your U.S. bank or credit union. Find that information on a check, not a deposit slip.


## 2. Chase Debit Card

If you **do not select** payment by direct deposit, you will receive payment by TWC UI Visa® debit card from JPMorgan Chase Bank. Your debit card and instruction packet will arrive five to seven days after TWC sends your first payment to Chase. When you receive the packet:

- Read all of the instructions.
- Call Chase’s automated telephone system **immediately** at **1-866-865-1273** and follow the prompts to activate the card.
- Select a Personal Identification Number (PIN).
- Call Chase or go to [www.myaccount.chase.com](http://www.myaccount.chase.com) if you have debit-card questions or need a replacement card.

Your debit card is valid for three years.

Your payment should be in your direct deposit or debit-card account within three days of your payment request.



**It’s a Secret**

You are responsible for payments requested with your Social Security number, PIN, and password, so don’t give that information to anyone.



See [Direct Deposit](http://ui.texasworkforce.org) and [Debit Cards](http://ui.texasworkforce.org) on [ui.texasworkforce.org](http://ui.texasworkforce.org)

## Working and Receiving Benefits

If you work **part time**, you can earn up to 25 percent of your **weekly benefit amount (WBA)** before TWC reduces your benefit payment. For example, if your WBA is \$160, you may earn \$40 without a reduction. If you earn \$50, we reduce your WBA for the week to \$150. In both cases, your benefits plus your earnings equal \$200. If you earn more than \$200, we cannot pay you benefits for that week.



If you are working the customary full-time hours for your occupation, we cannot pay you benefits, even if your earnings are below your allowed amount.

We investigate **any job separation you have while receiving benefits** to determine whether you can continue to receive benefits (see Page 8).

## Working and Reporting Income

You may work part time and collect benefits but you must **report all of your hours worked and earnings each time** you request payment. Unreported earnings cause overpayments that you must repay (see Page 5).

**Report your total earnings** in the week you **earned them**, not when you are paid. The workweek for reporting begins on Sunday and ends on Saturday. You must report:

- Your total number of hours worked each week. Include your hours and earnings for all your work. (Work is any kind of service for pay. That includes commissions, tips, contract work, and “side jobs.”)
- Total earnings before deductions (gross pay), not “take-home” pay.
- Earnings in whole dollars. For example, if you earned \$100.75, report \$100 and drop the 75 cents.
- Your net profit, which is the amount above your expenses, if you are self-employed. You must report hours worked each week, even if you have no net profit.



### Not Yet Paid?

If your employer has not yet paid you, calculate your earnings by multiplying the number of hours you worked by your hourly pay and report that amount to TWC when requesting payment.

## *Tell TWC If You Move*

TWC mails important documents to the **address on record**, so let us know right away if you change your mailing address. Some documents require a response. Don't count on mail forwarding to get documents to you. If you do not respond on time, you might not receive benefits. Change your address at [ui.texasworkforce.org](http://ui.texasworkforce.org).

Log on and select **Contact Information**. Or call a Tele-Center at 1-800-939-6631. If you move out of state, you must **register for work** search at a public workforce office in that state.



## *The Waiting Week*

Texas law requires us to hold the payment for the first payable week as the “waiting week” until you receive three times your weekly benefit amount (WBA). If you return to work before receiving three times your WBA, we cannot pay you for the waiting week. You and TWC have no choice in this matter.



## *Protecting Your Privacy*

Your claim is confidential. However, we share some information with government agencies that manage programs like Social Security, Medicaid, food assistance, and child support. We mail a notice of your claim to your last employer and may communicate with other former employers. If we pay you benefits by debit card, we share information with Chase Bank because it manages your debit-card account. Government agencies and Chase must keep your claim information private.

## *Paying Taxes on Your Benefits*

Your benefits **are income** that you must report to the Internal Revenue Service (IRS). TWC mails you a Form 1099-G statement at the end of January with the total amount of benefits paid during the calendar year. Call Tele-Serv or go to [ui.texasworkforce.org](http://ui.texasworkforce.org) for the amount paid. We report this amount directly to the IRS. We will withhold 10 percent of your benefits for taxes if you complete and return the **Voluntary Withholding form** we send you.



## Staying Eligible for Benefits

To stay eligible for benefits, you must **request payment** as scheduled, **respond when TWC contacts you** by telephone or mail, be **able and available** for full-time work, and meet your **work search requirements**. You are no longer eligible when your benefits run out or you return to full-time work.

Please be aware of these additional requirements:

### ■ Special Reemployment Activities

TWC requires claimants to participate in special reemployment activities if they are likely to run out of benefits before they find work. If your Workforce Solutions office selects you to attend the activities, it sends you a letter. If you receive a letter, you must respond to that office and participate in the activities to stay eligible for benefits.

### ■ Keep a Work Search Log

Keep a detailed work search log because we may request copies to verify your activities. We enclosed a sample log with this handbook. You can get more copies at [ui.texasworkforce.org](http://ui.texasworkforce.org). Review the *Tips for a Productive Work Search* letter we sent you or find it on [ui.texasworkforce.org](http://ui.texasworkforce.org).

### ■ Accept Suitable Work

If you refuse to apply for or accept suitable work, TWC cannot pay you benefits. We determine suitable work by reviewing:

- ✓ your experience, qualifications, and training;
- ✓ working conditions and pay for similar work in your area;
- ✓ risks to your health, safety, or morals;
- ✓ distance to work from your home and local commuting patterns;
- ✓ how long you have been unemployed; and
- ✓ whether you have considered jobs that pay **75 percent of your normal wage** by the **8<sup>th</sup> week of unemployment**.



### Tell Us You're Hired

When you find a full-time job, go to [WorkInTexas.com](http://WorkInTexas.com) and select **Tell Us You're Hired**. Give details of your job and **send the message**.

## If These Work Issues Affect You ...

Find out more at [www.texasworkforce.org](http://www.texasworkforce.org). Select [Learn About Unemployment Benefits & Appeals](#).

### Foreign Trade

If you lost your job because of issues related to foreign competition, you may be eligible for Trade Adjustment Assistance (TAA), which includes job retraining, job search and relocation aid, and weekly Trade Readjustment Allowance (TRA) benefits.



- You may also be eligible for the Health Coverage Tax Credit (HCTC), a federal tax credit that pays a percentage of qualified health insurance premiums paid by eligible individuals.
- Trade-affected workers age 50 or older may be eligible for Alternative Trade Adjustment Assistance (ATAA).

### Working in Other States

If you worked in more than one state during your base period, you can combine all of your wage credits into a single claim administered by one “paying state.” The paying state uses your wage credits from the other states to calculate your benefits. You may apply for benefits in any state where you worked, but you can receive benefits from only **one** state. **Register for work search** with the **nearest public workforce office** in the state you are located.

### Military Wages

You can use military wages to qualify for benefits if you left the service honorably and completed your first full term of service. If you did not complete your first full term, you must have separated early due to an exception specified by Congress. Reservists and National Guard members may be eligible if you served at least 90 days continuous active service and received a Form DD-214, *Report of Separation*, when separated. If we are unable to use your military wages, you can appeal to your branch of service with a Form DD-149, *Request for Correction of Military Records*.

### Pensions

We must reduce your weekly benefits by any pensions, retirement pay, annuities, or other payments from an employer that paid you wages in the base period. We do not deduct Social Security or Railroad Retirement income.

## School Employees

If you worked for a school, we cannot use your school wages to calculate your benefits if you have **reasonable assurance** of going back to work after a break in the academic year. If you lost your job because of budget cutbacks or **do not have** reasonable assurance of returning to work, we may be able to pay you benefits. See [A lesson on layoffs for school employees](#) on [ui.texasworkforce.org](http://ui.texasworkforce.org).



## Workers' Compensation/Disability

If you receive Workers' Compensation, you may not be eligible for unemployment benefits. TWC will make that decision based on the type of disability payment you receive.

- If you receive Impairment Income Benefits, you may receive unemployment benefits. If you receive some kinds of Temporary Income Benefits, Supplement Income Benefits, or Lifetime Income Benefits, TWC cannot pay you unemployment benefits.
- If you have a permanent disability and receive Social Security Disability Insurance (SSDI), you may be eligible for benefits even if you work part time.

## Federal Employees

If you are a former federal employee, TWC requests your wage information from the federal government. To insure prompt payment of benefits, TWC asks you to estimate your base period wages and furnish a Standard Form SF-50, *Notice of Personnel Action*, or a W-2 or pay stub as proof of employment.

## Disaster Aid

If you lost your job or business as a direct result of a **major disaster** declared by the President of the United States, you may be eligible for Disaster Unemployment Assistance (DUA). If you are eligible for regular UI, you must exhaust those benefits before applying for DUA. When you apply for DUA, we send you a packet of DUA rules with forms to complete and return.

## Labor Disputes (Strikes)

If you stopped work because of a labor dispute, you cannot draw benefits during the dispute. This does not apply to a "lock-out." A disqualification continues until you no longer have any part in the labor dispute. It does not matter whether you are a union member. It is generally not possible to requalify for benefits by working elsewhere.

## Understanding Your Appeal Rights

If TWC sends you a form informing you that you cannot receive unemployment benefits, you may appeal that decision by mailing or faxing a signed letter to the Appeals Department at the address or fax number on your decision form. File your appeal within 14 calendar days from the date that TWC mails you the form. The deadline date is on the form.

### Your appeal should have:

- your name and Social Security number;
- your current address; and
- the date TWC mailed you the decision.

If you mail your appeal, the postmark on the envelope must be on or before the deadline date for your appeal to be on time.

If you fax your appeal, TWC uses the date we receive the fax to determine whether your appeal is on time. If you do not have access to a fax machine, you may use the fax machine **free of charge** at a Workforce Solutions office in Texas or workforce office in another state. Ask for and keep your confirmation page as proof of transmission.

**You or your employer** can file an appeal on your claim. The appeal leads to a telephone hearing with the Appeal Tribunal. Your employer may participate in your hearing.

**We mail you** a hearing notice packet with the date and time of your hearing and instructions on submitting any additional documents you may wish to present. You should mail or fax copies of those documents to your employer and TWC as soon as possible.



### Preparing Your Appeal

- Use the [appeals page](#) to help you prepare for your hearing.
- Read the [Appeals Tutorial](#) and check Appeal Status at [ui.texasworkforce.org](http://ui.texasworkforce.org).

If you don't have Internet access, you may use the computers at any Texas Workforce Solutions office.



# Understanding Your Appeal Rights (cont'd)

**Take part in the hearing.** The hearing officer makes the decision on your appeal based entirely on evidence given at the hearing. If you cannot participate, call the hearing officer at the number listed on the hearing notice.

**You may call witnesses.** If you or any of your witnesses do not speak English, write on the appeal that you need an interpreter and for what languages. If you or your witnesses need special services, such as for hearing-impaired participants, request those as well.

**We mail you the Appeal Tribunal decision.** If you disagree with the decision, you may appeal to the next level of review, the three-member Commission. The Commission decides your case after reviewing the Appeal Tribunal decision and listening to the recorded hearing.

**If you disagree** with the Commission Appeals decision, you may file a Motion for Rehearing within 14 calendar days of the decision. The Commission may grant the motion if you can show:

- important new information;
- why you think the information could change the decision; and
- a compelling reason why you didn't present the information earlier.

**You may appeal to a civil court** between 15 and 28 days after the date TWC mailed you the decision. Before appealing to a civil court, you must complete all the appeals through TWC, except the Motion for Rehearing.

**IMPORTANT!** If you submit an appeal after the deadline, you must explain in detail why you filed the appeal late. If TWC decides not to hear the case because your appeal was late, we will mail you a letter explaining the decision. You can appeal that decision.



### Remember!

Request payment every two weeks while your appeal is pending, unless you return to full-time work.

Track your appeal status at [ui.texasworkforce.org](http://ui.texasworkforce.org)

## Quick Reference

**Call a Tele-Center at 1-800-939-6631**, weekdays from 8 a.m. to 6 p.m., to speak to TWC customer service staff.

**Call Tele-Serv, our automated telephone system, at 1-800-558-8321.** General information 24 hours a day.

Check the status of your claim, payment request, and other options:

- Sunday-Friday: 7 a.m.-6 p.m. Central
- Sunday-Friday: 6 a.m.-5 p.m. Mountain

Press 1 — To request benefit payment.

Press 2 — For payment information or claim status.

Press 3 — For general information.

Press 4 — To establish or change PIN (Personal Identification Number).

Press 5 — To select or change benefits payment options.

Press\* — To repeat information.

**Report TWC fraud or program abuse, 1-800-252-3642**

**Hearing-impaired customers, dial Relay Texas 711.**

**Check Appeal Status** at [ui.texasworkforce.org](http://ui.texasworkforce.org) or call 512-463-2807 to leave a message.

**Chase Bank Customer Service**

To activate your TWC UI Debit Card or speak to a Chase Bank representative, call 1-866-865-1273. When prompted, select options.

## Equal Opportunity

- U.S. Equal Employment Opportunity Commission (EEOC) enforces the federal antidiscrimination law. Call toll free 1-800-669-4000, weekdays, 7 a.m. to 7 p.m., (TTY) 1-800-669-6820.
- TWC Civil Rights Division enforces the Texas Commission on Human Rights Act. Call 512-463-2642 or toll free 1-888-452-4778.
- If you believe that TWC discriminated against you on a claim, contact the Equal Opportunity and Compliance office at 512-463-2400 within 180 days of the event.

**Để yêu cầu có tập sách này bằng tiếng Việt, xin gọi Tele-Center.**

**Xem tập sách này cho số điện thoại.**