**Section 2920.5 Ineligibility To Receive Benefits Due To Performing Full-Time Work Or Due To The Receipt Of Various Income Whose Sum Is Equal To Or Greater Than The Individual's Weekly Benefit Amount**

a) An individual shall be ineligible for benefits with respect to any week for which the individual receives or is entitled to receive any of the following payments whose aggregate amount is equal to or exceeds such individual's weekly benefit amount:

1) Payments made during an announced shutdown for inventory or vacation purposes which are treated as wages under Section 2920.25;

2) Payments made in connection with any separation or layoff as, or in the nature of, vacation pay, vacation pay allowance, or pay in lieu of vacation treated as wages under Section 2920.30 which are made during a period designated by the employer;

3) Holiday pay treated as wages under Section 2920.35;

4) Wages for services performed by an individual for any week of less than full time work except those wages for "services performed by an individual in self-employment" as defined by Section 2920.1.

A) Example 1: An individual files for benefits after a layoff and the weekly benefit amount is $130.00. The individual is eligible to receive 3 days of vacation pay at $50.00 per day during the week in question, an amount which would be treated as wages under Section 2920.25. The individual is ineligible to receive benefits or waiting week credit under this subsection with respect to that week because the entitlement to $150.00 in vacation pay treated as wages under Section 2920.25 exceeds the weekly benefit amount.

B) Example 2: An individual files for benefits after a layoff. The weekly benefit amount is $130.00. The individual performs services which are not employment under Section 212 of the Act. Even if the individual receives or is entitled to receive payments for these services in amounts in excess of the weekly benefit amount, the individual is not ineligible for benefits under this subsection because the services performed by the individual were in self-employment and hence the remuneration received for these services does not render the individual ineligible for benefits under subsection (a)(4). The individual may, however, be ineligible under Section 500 of the Act, if he is not able to, available for, or actively seeking work.

C) Example 3: An individual files for benefits after a layoff. The weekly benefit amount is $130.00. With respect to the week in question, the individual is entitled to receive 1 day of holiday pay of $50.00 per day, an amount which would be treated as wages under Section 2920.35, and 2 days of vacation pay at $50.00 per day, an amount which would be treated as wages under Section 2920.30. The individual is ineligible to receive benefits during that week under this subsection because the entitlement to the sum of $150.00 in holiday and vacation pay exceeds the weekly benefit amount.

D) Example 4: An individual files for benefits after a layoff. The weekly benefit amount is $130.00. The individual is entitled to receive $100.00 in vacation pay treated as wages under Section 2920.30 for that week and also receives $50.00 in wages for services performed in employment during that week. The individual's services are for less than full-time work. The individual is ineligible for benefits for that week under this subsection because the entitlement to $100.00 in vacation pay plus the receipt of $50.00 in wages for performing services for less than full-time work equals $150.00, an amount which exceeds the weekly benefit amount.

b) In addition to the ineligibility for benefits imposed by the provisions of subsection (a), an individual shall be ineligible for benefits with respect to any week in which he performs full-time work regardless of whether the amount of wages received during that week equal or exceed the weekly benefit amount because the individual is not unemployed as required by Section 239 of the Act.

Example: An individual receives $137.00 in wages for performing services in full-time work. His weekly benefit amount is $150.00. The individual is ineligible for benefits under subsection (b) even though the wages are less than his weekly benefit amount because such individual is performing full-time work. The individual would also not be eligible for reduced benefits under Sections 2920.10 and 2920.15.

c) An individual shall be ineligible for benefits with respect to any week or weeks for which such individual receives any of the following payments whose aggregate amount is equal to or exceeds his weekly benefit amount. Mere entitlement to such payments shall not render the individual ineligible under this subsection.

1) Disqualifying retirement pay under Section 2920.70.

Example: An individual receives a weekly pension of $200.00, all of which is disqualifying under Section 2920.70. The individual's weekly benefit amount is $130.00. The individual is ineligible to receive benefits under this subsection because the receipt of $200.00 in disqualifying retirement pay exceeds his weekly benefit amount.

2) Workers' compensation paid for temporary disability arising out of or in connection with employment under the laws of Illinois, of another state, or of the United States, as defined by Section 606 of the Act.

d) In addition to the ineligibility for benefits imposed by the provisions of subsections (a), (b), and (c), an individual shall be ineligible for benefits with respect to any week or weeks in which the aggregate amount of any payments treated as wages referred to in subsections (a)(1), (2) and (3), plus any of the disqualifying payments referred to in subsection (c), is equal to or exceeds such individual's weekly benefit amount.

1) Example 1: An individual receives workers' compensation payments of $60 per week for temporary disability, and the disability does not render the individual unable to or unavailable for work. The individual is also entitled to receive two days of vacation pay at $50 per day with respect to that week. The individual's vacation pay is treated as wages under Section 2920.30. The individual's weekly benefit amount is $130. This individual is ineligible for benefits under subsection (d) because the aggregate amount of the disqualifying payments for that week ($60 + $100 = $160) exceeds his weekly benefit amount.

2) Example 2: An individual receives $60.00 per week of retirement pay all of which is disqualifying under Section 2920.70 and is also entitled to receive 1 day of vacation pay at $50 per day treated as wages under Section 2920.30 with respect to that week. The individual also receives $65 in wages for performing less than full-time work during that week. The individual's weekly benefit amount is $130. Since the aggregate of his disqualifying retirement pay and his vacation pay ($60 + $50 = $110) is less than the individual's weekly benefit amount of $130, the individual is not ineligible for benefits under this subsection. Amounts paid or payable to an individual as wages for performing services for less than full-time work referred to in subsection (a)(4) do not make the individual ineligible to receive benefits in this situation because, when added to the individual's vacation pay, they do not exceed the individual's weekly benefit amount as required by subsection (a). Rather these amounts reduce the individual's benefits in accordance with the formula given in Section 2920.10. Similarly, since the individual's receipt of $60 in retirement pay is disqualifying but is not considered wages under Section 611 of the Act, these amounts reduce the individual's benefits in accordance with the formula given in Section 2920.10, but do not make the individual entirely ineligible to receive any benefits under this subsection.

3) Example 3: An individual wins a lottery prize of $1000. Since lottery prizes are not awarded for services performed by the individual for an employer, this amount would not constitute disqualifying income under this Section.