

Practice Online Research

The statute on the next page deals with the denial of unemployment benefits in New Mexico. It lists the reasons for which the Division of Unemployment Services can disqualify a person from receiving unemployment benefits. Read the statute, and then answer the questions which follow.

QUESTIONS:

1. Who enacted this statute?
2. Is this statutory mandatory or discretionary? What causal term in the statute helped you answer this question?
3. According to this statute, what are the three ways that a person can be denied unemployment benefits in New Mexico? Must a person do all three things to be disqualified from receiving benefits, or is it enough that they only do one of the listed things? What term in the statute helped you answer this question?
4. Are there any exceptions to this statute? If so, which of the three ways of being denied unemployment compensation do the exceptions apply to?
5. Provide the Bluebook citation for this statute.

New Mexico Statutes Annotated, § 51-1-7

§ 51-1-7. Disqualification for benefits

- A. An individual shall be disqualified for and shall not be eligible to receive benefits:
- (1) if it is determined by the division that the individual left employment voluntarily without good cause in connection with the employment. However, a person shall not be denied benefits under this paragraph:
 - (a) solely on the basis of pregnancy or the termination of pregnancy;
 - (b) because of domestic abuse evidenced by medical documentation, legal documentation or a sworn statement from the claimant; or
 - (c) if the person voluntarily left work to relocate because of a spouse, who is in the military service of the United States or the New Mexico national guard, receiving permanent change of station orders, activation orders or unit deployment orders;
 - (2) if it is determined by the division that the individual has been discharged for misconduct connected with the individual's employment; or
 - (3) if it is determined by the division that the individual has failed without good cause either to apply for available, suitable work when so directed or referred by the division or to accept suitable work when offered.