

# Can employee on FMLA leave collect unemployment?

**Q. We have an employee out on unpaid FMLA leave. She said she wants to collect unemployment compensation. Is she eligible? — B.A., South Carolina**

**A.** Probably not. Each state has slightly different rules for unemployment compensation eligibility. Generally, unemployment benefits are payable to workers who lose their jobs through no fault of their own and who are ready and able to work. It is hard to imagine a situation in which an employee would be able to work while on FMLA leave for her own serious health condition or if she is caring for someone else with a serious health condition.

Of course, if she wants to apply for unemployment, there is nothing to stop her. Your state agency would then consider her case and notify you as with any employee.