What Causes Benefits To Be Terminated?

An individual can be disqualified for DUA benefits or DUA benefits can be terminated if any of the following occur:

1. The individual becomes employed and the earnings exceed the weekly benefit amount allowed under the state's law;
2. The individual refuses to accept suitable employment without good cause;
3. The individual refuses to accept a referral to suitable employment without good cause;
4. The individual is not able to work (unless the inability is due to an injury caused as a direct result of the disaster);
5. The individual is not available for work, unless the unavailability is due to the individual's preparations to resume self-employment; or
6. The individual is no longer unemployed as a direct result of the disaster.

When and Where to File For DUA

Applications for DUA must be filed within 30 days of the announcement of the availability of DUA in the state. Individuals must follow the instructions in the announcement and file for DUA based on the filing method used by the state (i.e., in-person, mail, telephone, or internet).

Appeals

Any denial of DUA benefits may be appealed. Individuals must file the appeal within 60 days of the date the determination was mailed.

Legal Authority

Sections 410 and 423, Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act); Title 20, Chapter V, Part 625, Code of Federal Regulations (20 CFR 625), as amended.

U.S. Department of Labor

Employment and Training Administration
Office of Workforce Security
200 Constitution Avenue, NW
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U.S. Department of Labor

Disaster Unemployment Assistance

What You Need To Know If You Become Unemployed Due To A Disaster

U.S. Department of Labor

www.doleta.gov

Disaster Unemployment Assistance

What Is DUA?

Disaster Unemployment Assistance (DUA) provides temporary benefits to individuals whose employment or self-employment has been lost or interrupted as a direct result of a major disaster and who are not eligible for regular unemployment insurance (UI). Direct result means an immediate result of the major disaster itself and not the result of a longer chain of events caused or worsened by the disaster.

The U.S. Department of Labor oversees the DUA program and coordinates with the Federal Emergency Management Agency (FEMA) of the Department of Homeland Security. DUA is administered by state Unemployment Insurance (UI) agencies acting as agents of the Federal government whenever a state or tribal declaration is made.

What Is A Major Disaster?

"Major Disaster" means any natural catastrophe (such as a hurricane, tornado, earthquake, snowstorm, flood, etc.) or other types of disasters (such as an explosion, natural gas leak, etc.) that result in a Presidential declaration of a disaster. A Presidential declaration is made when it is determined governmental assistance is needed for communities and individuals directly affected by the disaster.

What Triggers DUA?

Based upon the request of a State Governor or Tribal Governor/Chief, the President may declare a major disaster in the state. The declaration will define the areas affected by the disaster and may authorize DUA. Public announcements will be made in the disaster area advising that DUA is available, and how and when individuals can file for benefits.

How Is DUA Financed?

FEMA provides the funding for DUA benefit payments and state administrative costs. DUA payments are made by state workforce agencies (SWAs), under agreements with the Secretary of Labor, to eligible individuals unemployed as a direct result of the disaster.

Who Can Qualify For DUA?

One of the following conditions of unemployment must have occurred as a direct result of the disaster to qualify for DUA:

1. The individual has had a week of unemployment following the date the major disaster began;
2. The individual is unable to reach his/her place of employment;
3. The individual was scheduled to start work and the job no longer exists or the individual was unable to reach the job;
4. The individual became the major support because the head of the household died as a direct result of the disaster; or
5. The individual cannot work because of an injury caused as a direct result of the major disaster.

What Are The Eligibility Requirements?

In order to be eligible for DUA, individuals who meet one of the qualifying conditions above must also meet all the following eligibility requirements:

1. The individual is not eligible for regular UI;
2. The individual is unemployed as a direct result of the disaster;
3. The individual is able and available for work, unless injured as a direct result of the disaster.
4. The individual filed an application for DUA within 30 days of the date of the public announcement of the availability of DUA; and
5. The individual has not refused an offer of employment in a suitable position.

How Often Are Claims Filed?

The individual must continue to file weekly or biweekly claims for DUA benefits according to the instructions given by the state agency where the DUA application is filed.

How Are Payments Determined?

The weekly benefit amount (WBA) will be based on the gross wages of the individual. If the individual is self-employed, the weekly benefit amount will be based on the net earnings (income) from self-employment. Generally, benefits are calculated using the same formula used for state UI benefits, however, if the individual qualifies for less than 50 percent of the state average UI WBA, the WBA will be increased to 50 percent of the state's average WBA, with certain exceptions for part-time workers.

How Long Do Payments Last?

DUA benefits are generally paid for up to 26 weeks beginning with the first week following the date the major disaster began, and ending with the 26th week following the date the major disaster is declared by the President.

What Proof Of Employment Is Required?

Proof (e.g., income tax return, bank statements, last pay stubs, work order, etc.) is required to substantiate employment or self-employment or to substantiate work that was to begin on or after the date of the disaster. If proof of employment cannot be provided at the time the claim is filed, individuals have 21 calendar days from the time the claim was filed to meet this requirement. Failure to submit this documentation within the 21 days will result in a denial of DUA, and any benefits already paid will be considered overpaid. Individuals are required to repay any benefits overpaid.

Are Federal Taxes Withheld?

DUA benefits are subject to Federal income tax. Individuals may elect to have Federal withholding deducted from their DUA payments. Individuals will receive Form 1099-G to file with their income tax return.