

DISASTER UNEMPLOYMENT ASSISTANCE (DUA) RIGHTS AND RESPONSIBILITIES

Disaster Unemployment Assistance (DUA) is available if your employment or self-employment has been lost or interrupted as a result of a major disaster. 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. DUA is also available if you become the breadwinner or major support, due to the death of the head of the household as a result of the disaster.

You are not eligible for DUA if you qualify for regular unemployment insurance benefits

The President of the United States must declare a major disaster in the state, define the affected areas and authorize payments under the DUA program. Announcements will be made in the news media in the disaster area advising that DUA is available and how and when you must file for benefits.

GENERAL ELIGIBILITY REQUIREMENTS

DUA is available to unemployed U.S. nationals and qualified aliens who worked or were self-employed if you:

- worked or were self-employed in or were scheduled to begin work or self-employment in an area declared as a federal disaster area.
- can no longer work or perform services because of physical damage or destruction to the place of employment as a direct result of the disaster.
- establish that the work or self-employment you can no longer perform was your primary source of income.
- do not qualify for regular unemployment insurance benefits from any state.
- cannot perform work or self-employment because an injury or because they were incapacitated as a direct result of the disaster.
- became the breadwinner or major support of a household because the death of the head of the household.
- cannot work or perform self-employment due to closure of a facility by the federal government.
- lose a majority of income because the employer or self-employed business was damaged, destroyed, or closed by the federal government.

PROOF OF EMPLOYMENT

Proof of employment and/or self-employment is required. If the state has no proof of your employment and you have provided no proof at the time of filing, you have 21 calendar days from the time you filed your application for DUA to meet this requirement. Failure to provide adequate proof of employment will result in your being ineligible for DUA. Acceptable proof of self-employment or wages may include the previous year's tax returns, financial statement, pay checks and stubs.

WEEKLY BENEFIT RATE

Your weekly benefit rate will be based on your gross wages. If you are self-employed, your weekly benefit amount will be based on your net earnings from self-employment. If your earnings qualify you for less than 1/2 the state average unemployment insurance weekly benefit rate (WBR), your WBR may be increased to 1/2 the state average WBR. The minimum WBR payable is \$160 but the weekly amount may be reduced if your employment or self-employment was less than full time.

DURATION OF BENEFITS

The disaster assistance period begins with the first week following the date the major disaster begins. Your eligibility will be determined on a week to week basis. For each week you submit a DUA claim, your reason for being unemployed must be as a direct result of the disaster. DUA benefits may not be paid for any week of unemployment that is more than 26 weeks after the declaration date of the disaster.

REDUCTIONS IN DUA WEEKLY BENEFITS

DUA benefits may be reduced or denied if you begin to receive one or more of the following:

- earnings/income from employment or self-employment
- benefits or insurance for loss of wages due to illness or disability

(Cont'd)

- supplemental unemployment benefits paid pursuant to a collective bargaining agreement
- private income protection insurance
- worker's compensation or survivor's benefits if you become the major support of a family as a result of the death of the head of the household
- retirement, pension or annuity
- subsidy/price support payments, crop insurance and farm disaster payments provided services were performed

TAX WITHHOLDING

You may have federal (10%) and/or state (5%) taxes withheld from your DUA payments.

WEEKLY CLAIMS

You are required to file weekly benefit claims for each week you wish to file for DUA. For help using online services or if you are truly unable to go online call the DUA hotline at (608) 318-7100 during business hours.

If you are self-employed you must file a paper weekly claim for DUA benefits. The weekly claims must be completed and mailed to DUA, P.O. Box 7905, Madison, WI 53707.

You must make an active search for work each week you file unless you are prevented from doing so as a direct result of the disaster, or you are self-employed with definite plans to resume the self-employment.

You must be able and available for work unless your injury/illness caused as a direct result of the disaster prevents you from working, or you are unable to reach your place of employment due to damage as a direct result of the disaster.

You must report gross wages earned for any employment. Report your wages as earned from employment even if not yet paid. If you are self-employed, you must report gross income in the week in which you receive the pay even though you may have performed service before the disaster began. Self-employed farmers must also report subsidy/price support payments, crop insurance and farm disaster relief (non DUA) payments.

DISQUALIFICATION/TERMINATION OF DUA BENEFITS

You may be disqualified, or your DUA benefits terminated, for the following reasons:

- you become employed
- you refuse without good cause to accept suitable employment
- you are not able and available for work (except as explained under WEEKLY CLAIMS section above)
- you fail to make a search for work (except as explained under WEEKLY CLAIMS section above)
- it is determined that your unemployment is no longer as a direct result of the disaster

OVERPAYMENTS

There is no provision for a waiver of overpaid DUA benefits. 20 CFR 625.14 states "Any provision of State law authorizing waiver of recovery of overpayments of compensation shall not be applicable to DUA."

APPEALS

Any determination or redetermination regarding your eligibility for DUA benefits, or the amount of the entitlement, may be appealed. You must file the appeal within 60 days of the date the determination was issued to you. File your appeal by mailing it to DUA, P.O. Box 7905, Madison, WI 53707. Include your name, social security number and the reason you disagree with the decision. Continue to file your weekly claims until your appeal is resolved.

YOUR RESPONSIBILITIES

It is your responsibility to give accurate and correct answers to any questions asked regarding your initial and weekly claims for DUA benefits. Failure to furnish requested documents or information may result in benefits being delayed or denied.

All information is subject to verification. DUA benefits are provided through federal funds. Criminal and/or civil penalties for violation of federal and/or state laws will be enforced for willfully making false statement or concealing information to obtain or increase your DUA benefits.