

Disaster Unemployment Assistance (DUA)

What You Need to Know If You Become Unemployed Due to a Disaster

What is DUA?

Disaster Unemployment Assistance (DUA) provides temporary benefits to individuals whose income from 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.

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 Governor, 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, 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 (as a direct result) 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 benefits in any state;
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 (unless an extended deadline is provided in the Federal Declaration); *and*
5. The individual has not refused an offer of employment in a suitable position.

Do I Have to Look for Work?

To remain eligible, all employees that do not have a promise of work or a set return date within eight (8) weeks or self-employed individuals who do not plan on re-opening their business are required to apply for at least three (3) different jobs per week and provide the contact information on the weekly certifications. Telephone, Internet and In-Person contacts as well as sending resumes are all acceptable work search methods.

**** Warning: Failure to comply will result in the denial of benefits for all applicable weeks****

When and Where Do I File for DUA?

Applications for DUA must be filed within 30 days of the announcement of the availability of DUA in the state (unless an extended deadline is provided in the Federal Declaration). 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).

How Often are Weekly Claims Filed?

The individuals 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.

Will I Be Penalized for a Submitting a Late Application?

Yes, there is a 30 day filing period from the date the program was announced by the State. Any late applications will be subject to interview for cause and may be denied.

What Proof of Employment is Required?

Proof (e.g. income tax returns, bank statements, last paystubs, 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.

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 refused to accept suitable employment without good cause or a referral to suitable employment without good cause;
3. The individual is not able to work unless the inability is due to an injury caused as a direct result of the disaster
4. The individual is not available for work, unless the unavailability is due to the individual's preparations to resume self-employment; or
5. The individual is no longer unemployed as a direct result of the disaster.

How are Payments Determined?

All income used will be taken from the most recent completed tax year prior to the disaster. The weekly benefit rate (WBR) will be based on the gross wages of the individual. If the individual is self-employed, the weekly benefit rate 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% of the state's average UI WBA, the WBA will be increased to 50% of the state's average WBR, 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.

How are DUA Benefits Paid?

All individuals filing claims for DUA benefits are placed on the New Jersey Unemployment Insurance Benefit Prepaid Debit Card Program. The agency provides a Visa® debit card through Bank of America. You will receive the New Jersey debit card directly from Bank of America within seven (7) days of filing the claim. Receipt and activation of the card does not mean you will be eligible to receive benefits. If you qualify for and receive DUA benefits, you will have the safety and convenience of a debit card. Funds deposited into your debit card account will be available within two (2) full business days from the day benefits are paid. More detailed instructions will be included when you receive the card from Bank of America. This method of payment is mandatory unless you choose to receive your benefits by Direct Deposit.

What If I Prefer Direct Deposit of My DUA Benefits?

If you are eligible for a DUA claim, you may choose to have your benefits deposited directly into your designated financial institution checking or savings account. The funds will be available in your account within two (2) full business days from the day benefits are paid. Payments are not transmitted on State, Federal, or Banking holidays, or on weekends. Always verify the deposit with your financial institution before trying to access the funds or writing checks against your account. To enroll for direct deposit go to our website at www.njuifile.net and complete the Direct Deposit application by clicking the Direct Deposit block.

Note: If you filed an initial unemployment insurance claim by using the Internet application and you requested direct deposit of your benefits, your direct deposit information was obtained when your claim was filed and it is not necessary to enroll again.

Are Federal Taxes Withheld?

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

Will Receiving a Pension or Retirement Pay Affect My Claim?

If you worked for a company that is a base year employer, used to establish your claim, you may be subject to a weekly deduction. However if your primary source of income is your pension or retirement pay, rather than the income received in employment or self-employment, you would not be entitled to benefits.

If I Have a Fraud Denial on My Unemployment Claim Can I Claim DUA?

Yes, however if you owe a refund to the State, your entitlement to DUA will first be applied to the overpayment.

If I Pay Child Support Will it Be Taken out of My Benefits?

By law you are required to disclose any court ordered garnishment when filing for DUA. Failure to do so may result in total denial of your claim.

How Do I File an Appeal?

Any denial of DUA benefits may be appealed. Individuals must file the appeal within 60 days of the date the determination was mailed. Instructions on how to file an appeal are listed on each determination.

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.