

Disaster Unemployment Assistance Rights and Responsibilities



**Commonwealth of Kentucky
Labor Cabinet
Office of Unemployment Insurance**

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A claim has been filed a claim for Disaster Unemployment Assistance (DUA). A determination of eligibility will be made, and you will be notified by mail. It is very important that you read and understand the information in this handbook regarding your rights and responsibilities while claiming DUA benefits. It is your responsibility to contact your local office or the DUA Unit to ask questions if you do not understand the information contained in this handbook.

Many of the procedural rules for individuals filing for regular unemployment compensation also apply to DUA applicants. You may find additional information in the Kentucky Unemployment Rights & Responsibilities Handbook (PAM-400).

Purpose of the DUA Program

The purpose of the DUA program is to provide payment and reemployment assistance to individuals who are unemployed as a direct result of a major disaster and who are not otherwise eligible for another form of Unemployment Compensation. A major disaster is any natural catastrophe or other type of disaster that results in a Presidential declaration of a disaster.

DUA Base Period

The DUA Base Period is the calendar year prior to the date of the disaster. For example, if the disaster occurs between January 1, 2013 and December 31, 2013, the base period is January 1, 2012 through December 31, 2012. This is different than the base period used to establish regular Unemployment Insurance (UI) claims. Therefore, your weekly benefit amount may be different on DUA than on regular Unemployment Insurance.

DUA Application Requirements for Self-Employed Individuals

If you are self-employed, you have twenty-one days from the date the DUA application is completed to provide proof of income from self-employment. The preferred documentation is your most recent tax return; however, other supporting documentation will be accepted. DUA Application Requirements for Individuals in Non-Covered Employment Some companies (such as religious organizations and non-profit organizations) are not required to pay into unemployment insurance; this is considered to be non-covered employment. If you worked in non-covered employment, then you will have twenty-one days from the date the DUA application is completed to provide proof of income. The preferred documentation is your most recent tax return or W2; however, other supporting documentation will be accepted.

DUA Weekly Benefit Amount

The weekly benefit amount for a DUA claim is calculated using the same formula that is used to calculate the weekly benefit amount for a regular Unemployment Insurance (see your Unemployment Insurance Rights & Responsibilities Handbook for more details). The maximum DUA weekly benefit amount is \$415 per week. The minimum DUA weekly benefit amount is \$145. If you have insufficient wages to compute a weekly benefit amount or if your weekly benefit amount is less than \$145, then your weekly benefit amount will be \$145.

For Example:

- If your weekly benefit amount is calculated to be \$248, your DUA weekly benefit amount will be \$248.
- If your weekly benefit amount is calculated to be \$118, your DUA weekly benefit amount will be \$145.
- If you do are not able to establish a valid claim, your DUA weekly benefit amount will be \$145.

NOTE: There is no minimum weekly benefit amount for the part-time unemployed workers. If a worker is employed part-time, the weekly benefit amount will be determined based on the percentage of time the employee was employed compared to the customary and usual hours per week that would constitute fulltime employment. That percentage will be multiplied by the minimum weekly benefit amount for the disaster.

General Eligibility Requirements for DUA Benefits

To be eligible for DUA, you must meet all of the following eligibility requirements:

- Your unemployment must be a direct result of a major disaster.
- You must file an application for DUA benefits within 30 days of the announcement date of the major disaster.
- You must provide proof of employment and income within twenty-one days from the date you filed an application for DUA benefits.
- You must be able and available for fulltime work. This means that you must be able to accept suitable work, and there must be no reason that keeps you from looking for or accepting a fulltime job for which you are qualified (unless you are injured as a direct result of the major disaster).
- You must claim your benefits on a timely basis. This means that you must mail or fax in your check requests every week.
- You must accept any suitable work offered.
- You must make a minimum of four job contacts per week, unless otherwise instructed by your local office.

A Letter of Entitlement will be mailed informing you if your claim for DUA is approved or denied based on the information provided. If your claim is denied, the reason for the denial will be stated on the letter. If your claim is approved, then your DUA weekly benefit amount will be stated on the letter. The Letter of Entitlement is an appealable document; if you disagree with the decision or the weekly benefit amount, you will have 60 days to file an appeal.

Reasons You May Become Ineligible

There are several reasons that you may not be eligible to receive DUA benefits. Some of the common reasons you may be ineligible or disqualified are:

- You become monetarily eligible to receive another form of Unemployment Compensation. Your reason for unemployment is no longer a direct result of the major disaster that your DUA claim is based upon.
- You are not able to work or are not available for fulltime work
- You are not looking for work as instructed or are not seeking fulltime work.
- You worked or earned wages that exceeds the amount allowed to considered unemployed.
- You returned to fulltime employment.

This is only a partial list of reasons that you may be disqualified or ineligible. If it is determined that you are disqualified or ineligible from receiving benefits, you will be notified of the reason in writing. If you disagree with the determination, you will have 60 days to file an appeal.

Appeal Rights

If you disagree with a determination regarding your DUA benefits, you have the right to file an appeal within 60 days of the mailing date of the determination. You must file an appeal in writing. You can fax your appeal to (502) 564-7850 or mail it to the following address:

Division of Unemployment Insurance
Appeals Branch
275 East Main Street - 2E6
Frankfort, KY 40621

A hearing will be held before an Appeals Referee. If you are dissatisfied with the Referee's decision, you must request a review by the Regional Administrator within 15 days of the mailing date of the Referee's decision.

Requesting Your Weekly Benefits

When you completed your application for DUA benefits, you were given the form ETA-83; this is your Weekly Request for DUA Benefits. This form must be submitted to the DUA Unit weekly. You can submit the form by fax at 502-564-5623 or by mailing it to the following address:

DUA Unit
State & Federal Claims - 2ED
PO Box 452
Frankfort, KY 40602

Failure to submit your request weekly may result in a delay or disqualification of benefits. If you are late in requesting your benefits and think you have an extraordinary circumstance, you should contact the DUA Unit or your Kentucky Career Center for assistance.

Reduction of Weekly DUA Benefits

Your weekly assistance amount will be reduced by:

- Eighty percent (80%) of your total gross earnings from employment. Your wages from employment must be reported the week the work is performed; earnings from self-employment are reported the week the payment is received.
- Eighty percent (80%) of any holiday pay or vacation pay that you receive. This must be reported when requesting your weekly check.
- Eighty percent (80%) of any armed forces or National Guard pay that you receive. This must be reported when requesting your weekly check.
- Any compensation or insurance from any source for loss of wages due to illness or disability.
- Any supplemental unemployment benefit you receive through a collective bargaining agreement.
- Benefits received through a private income protection insurance
- Any worker's compensation received by virtue of the death of the head of household resulting from the major disaster
- The amount of a retirement pension or annuity received under a public or private plan or system.
- Restitution may be taken out for overpayments on this or prior DUA claims.

Taxable Income

All Unemployment Compensation, including Disaster Unemployment Assistance, is taxable and must be reported on your income tax return. The Office of Employment and Training will report the total amount of your benefits to the Internal Revenue Service and will provide you with an annual statement (Form 1099G) no later than January 31st of each year.

You may elect to have 10% of your benefits withheld for Federal taxes and 4% withheld for State taxes. You make this selection when first completing your initial application for DUA benefits. This option may be changed once during your benefit year. To change this selection you must contact your local Kentucky Career Center.

Your Responsibilities

It is your responsibility to provide correct answers to any questions asked and provide supporting documentation when completing your initial application for DUA benefits. All information is subject to verification. Failure to furnish requested documentations or information can result in a delay or disqualification of DUA benefits.

It is your responsibility to request your DUA benefits weekly. Failure to request your benefits timely may result in a delay or disqualification of DUA benefits.

It is your responsibility to make four job contacts per week and to report those contacts to the DUA Unit when you request your weekly benefits. Failure to accurately report this information may result in a delay or disqualification of benefits.

It is your responsibility to report any work refusals to the DUA Unit.

It is your responsibility to stop claiming benefits when you return to work and to report all wages earned from odd jobs or part-time employment when requesting your DUA benefit checks.

It is your responsibility to read the information in this handbook and contact your local Kentucky Career Center or the DUA Unit to ask questions if you do not understand the information you have been provided.

Penalties for Fraud

Anyone who knowingly makes false statements or conceals material facts in order to obtain benefits that they would not be entitled to receive is committing fraud. Disaster Unemployment Assistance is a Federal program, and penalties are prescribed by law for willful misrepresentation or concealment of material facts. In addition to the repayment of money illegally received, the case will be referred for criminal prosecution.

Statement Required Under the Privacy Act of 1974 for Disaster Unemployment Assistance

The Privacy Act of 1974 requires that you be furnished this statement because you are being asked to include your social security number on the DUA application and payment request forms. Your social security number will be used to report your receipt of DUA payments to the Internal Revenue Service as income that is potentially taxable. It will also be used to process your claim, for statistical purposes, and to verify your eligibility for DUA and other public assistance benefits.

Information requested for use by the Cabinet for Workforce Development and the U.S. Department of Labor is authorized under section 407 of the Disaster Relief Act of 1974 (42 U.S.C. 5177) and section 906 of the Social Security Act (42 U.S.C. 1106). All information furnished will be confidential except to the extent that the release of such information is authorized in the processing of your claim and will not be released or used for any purposes other than for establishing your entitlement for DUA benefits, for statistical and research studies, and to ensure that benefits have been paid properly.

Additional Information

The information contained in this handbook is for your information. It is not intended to be an official statement about the Robert T Stafford Disaster Relief and Emergency Assistance Act. It contains a brief description of the procedures and requirements for the DUA program. If you have any questions regarding the information contained in this handbook or if you have a question about a specific situation not covered in this handbook, please contact the DUA Unit at 502-564-3240 for further assistance.