

**ARKANSAS DIVISION OF WORKFORCE
SERVICES**

**DISASTER UNEMPLOYMENT
ASSISTANCE**

**BENEFIT RIGHTS AND
RESPONSIBILITIES HANDBOOK**

The following information provides general information concerning your rights and responsibilities while filing for Disaster Unemployment Assistance (DUA). The explanations included are intended only to help you understand the benefit provisions of the DUA program.

Do not rely on advice from friends or relatives. If you do not understand something or have a problem with your claim that does not appear to be covered in this handbook, contact your Division of Workforce Services local office.

Due to the Privacy Act, we cannot discuss your claim with anyone other than you. This includes your wife/husband, mother or father.

WHAT IS DISASTER UNEMPLOYMENT ASSISTANCE?

The Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act) (42 U.S.C. §5177) creates the Disaster Unemployment Assistance (DUA) program. Its purpose is to provide payment and reemployment assistance to individuals who are unemployed as a direct result of a major disaster.

DUA claims are only taken after the President of the United States, through the Federal Emergency Management Agency (FEMA), declares specific areas of the State as disaster areas and authorizes Individual Assistance to individuals in the disaster areas. Funding for DUA is provided by FEMA and does not come from employer payroll taxes.

DEFINITION OF A MAJOR DISASTER

A "major disaster" means any natural disaster (including hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, earthquake, drought, ice conditions, fire or other catastrophe) declared by the President of the United States to warrant federal government assistance to communities and individuals. After the President makes the declaration and defines the disaster area (if DUA benefits are made available), the Division of Workforce Services will announce the filing period for the affected county and issue filing instructions for DUA applications through the news media.

DURATION OF BENEFITS

The disaster assistance period begins with the first week following the date the major disaster began. During the disaster assistance period, DUA is available to individuals as long as their unemployment, which must have been caused by the disaster, continues or until they are reemployed in a suitable position, but no longer than 26 weeks after the major disaster is declared. An applicant's continued eligibility for benefits is determined on a week-to-week basis.

WHO MAY BE ELIGIBLE FOR DISASTER UNEMPLOYMENT ASSISTANCE?

DUA is available to unemployed workers or self-employed individuals that were employed or lived, or were to commence employment in the major disaster area when the major disaster occurred. Individuals who have become the breadwinner or major support because the head of household has died as a direct result of the major disaster may also be eligible for DUA benefits.

I AM NOT A UNITED STATES CITIZEN, AM I ELIGIBLE FOR DUA BENEFITS?

If you are not a citizen of the United States, you cannot be paid DUA benefits based on your services unless you were authorized to work by the Department of Homeland Security at the time such services were performed and while filing for DUA benefits.

GENERAL ELIGIBILITY REQUIREMENTS

In order to be eligible for DUA you must meet the following eligibility requirements:

- ❖ File an initial application for DUA within 30 days of the date the Division of Workforce Services announces the availability of DUA;
- ❖ Your unemployment or inability to perform services as a self-employed individual must have been caused as a direct result of the major disaster declared by the President of the United States;
- ❖ Your principal source of income must have been generated from your work or self-employment.

- ❖ You must present documented proof that you were employed at the time of the major disaster and proof of wages or income within 21 calendar days from the date of filing the DUA claim. If proof is not submitted within 21 calendar days, DUA will be denied and an overpayment may result.

I AM ELIGIBLE TO FILE A REGULAR UNEMPLOYMENT CLAIM, MAY I FILE A DUA CLAIM INSTEAD?

DUA will not be paid for a week used as a waiting period on a regular Unemployment Insurance claim.

DUA is not to serve as a substitute for regular unemployment insurance benefits. You are not eligible for DUA if you meet one of the following criteria:

- ❖ You have established a regular unemployment benefit claim before and you are still eligible for benefits on that claim, or
- ❖ You can qualify for and draw regular unemployment benefits, extended benefits, Trade Readjustment Allowances, Federal Supplementary benefits or Federal Unemployment Compensation benefits.

CONDITIONS OF UNEMPLOYMENT AS A DIRECT RESULT OF THE MAJOR DISASTER

The following conditions of unemployment must have occurred as a direct result of the major disaster in order to qualify for DUA:

- ❖ You no longer have a job, or
- ❖ You are unable to reach your place of employment or self-employment, or
- ❖ You were scheduled to commence employment in a new job or you cannot reach the new job, or
- ❖ You have become the breadwinner or major support of your family because the head of household died in the disaster, or
- ❖ You cannot work because of an injury caused by the disaster.

HOW DO I KNOW IF I AM ELIGIBLE FOR BENEFITS?

Benefits can only be paid to you if you meet all the federal requirements under the DUA program. A Notice of Entitlement Determination will be promptly issued advising you of your Weekly Assistance Amount if you meet the eligibility requirements of the DUA program. If you do not meet the eligibility requirements of the DUA program, the Notice of Entitlement Determination will explain why you were not eligible under the DUA program.

WHAT IF I DISAGREE WITH THE DIVISION'S DECISION?

If you disagree with any notice that denies benefits, you may file an appeal for a review of your case with the Arkansas Appeal Tribunal. You must continue to file your weekly claim for benefits each week, while you remain unemployed due to the major disaster, in order to receive payment for those weeks if you win your appeal. To file an appeal you may report to the nearest DWS local office to complete a form or you may write directly to the Arkansas Appeal Tribunal at P.O. Box 8013, Little Rock, AR 72203. Your appeal must be submitted or postmarked within 60 calendar days of the date the decision was mailed to you. Be sure to clearly state your reason for appealing, include your correct name and address, social security number and attach a copy of the determination being appealed.

COMPUTATION OF WEEKLY ASSISTANCE AMOUNT

The computation of the weekly assistance amount for DUA will be based on the gross wages for an unemployed worker and net earnings for self-employed individuals. All wages earned for the performance of services in the most recently completed tax year will be used to compute the weekly assistance amount.

The DUA weekly assistance amount will be calculated in accordance with Arkansas Employment Security law. The weekly amount shall be the weekly amount of compensation that the individual would have been paid as regular unemployment insurance compensation unless the weekly benefit amount is less than 50% of the average weekly payment of regular unemployment insurance benefits. The

maximum weekly assistance amount shall not exceed the maximum weekly benefit amount of regular unemployment insurance benefits payable in the state. Employment, wages, and self-employment that are not covered by the Arkansas Employment Security law shall be treated in the same manner, and with the same effect as covered employment and wages. Employment and wages that are prohibited by federal law shall not be included in the computation of the weekly assistance amount.

WHAT IF I CANNOT PROVIDE PROOF OF INCOME FOR THE MOST RECENTLY COMPLETED TAX YEAR?

If an applicant gives a statement because he or she has no proof of wages and/or employment or self-employment due to it being destroyed as a direct result of the major disaster, his or her weekly assistance amount will be established at 50% of the average weekly payment of regular unemployment benefits. If the applicant fails to supply needed documentation within 21 calendar days from the filing of the initial application for Disaster Unemployment Assistance as required, the claim will be denied and an overpayment may result.

REPORTING AND FILING REQUIREMENTS

Weekly DUA claims must be filed timely and in accordance with the instructions provided to you by your local Division of Workforce Services office.

DUA is paid on a calendar week basis in Arkansas. Your weekly claim for benefits must be filed within the 7-day period immediately following the Saturday of the week you are claiming. All weekly claims for assistance must be signed, dated and mailed after the Saturday of the week you are claiming. Any weekly request for assistance that is not signed, dated or that is mailed prior to the Saturday of the week being claimed is not considered a valid claim.

You must make an active search for work during each week claimed. If you had not been advised of the minimum number of job contacts each week, you should immediately contact your local office for work search instructions.

You must be able and available for work within the meaning of Arkansas Employment Security

law, unless you are unable to work due to an injury that is a direct result of the disaster or you are unable to reach your place of employment as a direct result of the disaster.

If you are a worker, you must report wages when earned (not when paid) for each week claimed. If you are a self-employed individual, you must report gross income when paid (regardless of when earned) for each week claimed.

REDUCTION OF DUA BENEFITS

The weekly assistance amount payable to you will be reduced by the amount that you have received for a week or will receive for a week based on the following criteria:

- ❖ Any compensation or insurance from any source for the loss of wages due to illness or disability; such as private income protection insurance, etc.
- ❖ Supplemental unemployment benefits (SUB) pursuant to a collective bargaining agreement
- ❖ Workers compensation benefits by virtue of the death of the head of household
- ❖ Any public or private retirement pension or annuity deductible under Arkansas Employment Security law
- ❖ Gross earnings in excess of 40% of your Weekly Assistance Amount.

ARE MY BENEFITS TAXABLE?

DUA benefits are subject to federal income taxes. An option of voluntarily withholding Federal Income Tax from DUA benefits is available. You have the option of having federal income tax in the amount of 10% withheld from your weekly assistance amount (after applicable adjustments, such as earnings and retirement).

If you chose to have federal income taxes withheld from your DUA claim, you will be permitted to change your withholding status in the future if you desire. If you desire to change your original decision, you must request the change in writing through any local office of the Division of Workforce Services.

WILL CHILD SUPPORT DEDUCTIONS BE TAKEN FROM MY DUA BENEFITS?

Federal law requests DWS to deduct and withhold child support obligations from any DUA payable to an individual who owes child support as a result of a signed agreement or court order served by the Office of Child Support Enforcement.

to the extent that release of such information is authorized in processing your claim, and will not be released or used for any purpose other than for establishing your entitlement to DUA, for statistical and research studies, and to ensure that benefits have been properly paid.

WHAT IF I AM OVERPAID?

Occasionally claimants receive benefits to which they are not entitled, causing an overpayment. You will be notified in writing if you have been overpaid. If a DUA overpayment is established, you will be responsible for the repayment of the overpaid amount.

YOUR RESPONSIBILITIES

You are responsible for any information you furnish for the purpose of claiming benefits. Verification may be made as to the correctness of all information furnished. If you willingly make a false statement or conceal information in regard to your right to receive assistance, you are subject to any applicable criminal prosecution and penalties under State or Federal Law. In addition, you may be disqualified from receiving DUA benefits and will be liable for repayment of any overpayment of benefits.

WHY AM I REQUIRED TO PROVE MY SOCIAL SECURITY NUMBER?

While all the information requested on the Disaster Unemployment Assistance (DUA) application and payment request forms is voluntary, most of the information (including your Social Security Account Number) is required in order to promptly process your claim for DUA. All the information requested (including your Social Security Account Number) will be used for statistical purposes by the Arkansas Division of Workforce Services and the United States Department of Labor.

Information requested for use by the Arkansas Division of Workforce Services and the United States Department of Labor is authorized under Section 407 of the Disaster Relief Act of 1974 (942 U.S.C. §5177) and Section 906 of the Social Security Act (42 U.S.C. §1106). All information furnished will be confidential except