

FACT SHEET (R: 10/02)

DISASTER UNEMPLOYMENT ASSISTANCE (DUA)

I. Program or Activity Title

Disaster Unemployment Assistance (DUA) Program.

II. Purpose

The major objective is to provide help 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 state unemployment compensation.

III. Legislative or Other Authority

Public Law 100-707, Section 410, Robert T. Stafford Disaster Relief and Emergency Assistance Amendments of 1988; Executive Order 12673; and the delegation of authority from the Director of the Federal Emergency Management Agency to the Secretary of Labor. Title 20, Chapter V, Part 625, Code of Federal Regulations (20 CFR 625), as amended.

IV. Administrative Structure

The Office of Workforce Security (OWS), Employment and Training Administration, has responsibility of the DUA program in states in which the Governor has entered into an agreement with the Secretary of Labor for purposes of Section 410 of the Act. States administer the DUA program as agents of the Federal government. OWS maintains oversight responsibility. Funds are provided by the Federal Management Agency (FEMA) for payment of DUA through the state workforce agency system.

V. Description of Program

DUA is a permanent program which provides help to those individuals suffering the loss or interruption of employment that has been their principal source of income and livelihood. Based upon the request of the Governor, the President may declare that a major disaster exists and define those areas in the state that are eligible for Federal assistance.

Upon a Presidential declaration of a major disaster, the state agency will announce the availability of DUA and the places where disaster victims should apply for assistance. Benefits under DUA are wholly federally financed.

VI. Eligibility Requirements

Payment of DUA will be made to an unemployed worker or unemployed self-employed individual if, as a direct result of the major disaster, individuals:

1. no longer have a job or cannot perform regular services;
2. are unable to reach the place of work or self-employment location;

3. were to commence work or self-employment and do not have a job or self-employment or are unable to reach the job or self-employment; or
4. cannot work or perform services because of a disaster incurred injury.

In addition, an unemployed worker also includes any individual who has become the breadwinner or major support for the household because the head of household died as a direct result of the major disaster.

Unemployment is considered to be a direct result of the major disaster if it is an immediate result of the disaster itself, and not a result of a longer chain of events hastened by the disaster or having a ripple effect throughout the economy.

Unemployment must have resulted from:

- (1) the physical damage or destruction of the place of employment;
- (2) the physical inaccessibility of the place of employment in the disaster area due to its closure by the federal, state or local government in immediate response to the disaster, or
- (3) lack of work or loss of revenues, by an employer or self-employed individual, of at least a majority of revenue or income from an entity in the disaster area that was damaged, destroyed, or an entity in the disaster area closed by the federal, state or government.

VII. Weekly Amount Payable

The DUA weekly amount is computed in accordance with the applicable state law formula used to compute weekly amounts under the state's regular unemployment insurance (UI) program, except that the minimum weekly DUA amount payable in most cases is 50 percent of the average weekly UI amount paid in the state. In making the computation, all covered and uncovered employment is included.

The weekly DUA amount, payable to an individual for a week is reduced by wages earned (or income received by self-employed) in such week in accordance with state law provisions. Reduction will also be made by the amount of supplemental unemployment benefits, private income protection insurance, or any other type of benefit for loss of wages due to illness or disability that the individual receives or would receive for such week by properly applying. Receipt of pension amounts is also treated in accordance with the provisions of state law.

DUA is available to an individual as long as the individual's unemployment caused by the major disaster continues but no longer than 26 weeks after the declaration of the major disaster.