

# DISASTER UNEMPLOYMENT ASSISTANCE

BENEFITS RIGHTS AND RESPONSIBILITIES



**Oregon Employment Department  
Disaster Unemployment Assistance  
875 Union Street NE  
Salem, OR 97311-0800**

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This handbook provides general information about your rights and responsibilities while claiming for Disaster Unemployment Assistance (DUA) benefits. The explanations included in this handbook are to help you understand the benefit provisions of the DUA program.

## WHAT IS DISASTER UNEMPLOYMENT ASSISTANCE?

The Disaster Unemployment Assistance (DUA) program is authorized through the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act) (42 U.S.C. §5177). The purpose of this program is to provide temporary economic assistance to people who are unemployed as a direct result of a major disaster.

DUA is available to people only after the President of the United States declares a disaster for specific areas and authorizes Individual Assistance for the affected population.

The Oregon Employment Department administers the DUA program for the U.S. Department of Labor, Employment and Training Administration, on behalf of the Federal Emergency Management Agency (FEMA). DUA funding is provided by FEMA and does not come from employer payroll taxes.

## MAJOR DISASTER

A “major disaster” means any natural disaster (including a hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, earthquake, drought, wildfires, ice conditions, or other catastrophe) declared by the President of the United States and that warrants federal government assistance to communities and individuals.

The President makes the declaration and defines the disaster area. Then if DUA benefits are made available, the Oregon Employment Department will announce the DUA filing period for the affected areas and issue filing instructions for DUA applications through various sources.

## ***Wildfires and Straight-line Winds 2020***

On September 15, 2020, the President authorized major disaster declaration FEMA 4562-DR for the State of Oregon due to the wildfires and straight-line winds that have been taking place since September 7, 2020 and affecting a number of communities throughout the State.

This declaration authorized Individual Assistance, including DUA, for Clackamas, Douglas, Jackson, Klamath, Lane, Lincoln, Linn, and Marion counties. On September 21, 2020, the Oregon Employment Department announced the availability of DUA and the filing deadline for DUA applications of October 23, 2020.

## DURATION OF BENEFITS

The Disaster Assistance Period (DAP) begins with the first week following the date the major disaster began. During the DAP, DUA is available to eligible person as long as they are still unemployed as a direct result of the major disaster or until they are reemployed in a suitable position. The benefits can't go more than 26 weeks after the major disaster is declared. An applicant's continued eligibility for benefits is determined on a week-to-week basis and individuals must file weekly claims to receive payment. (See 20 CFR 625.2(f) & 625.7)

DUA benefits for people affected by the Wildfires and Straight-line Winds (FEMA-4562-DR) are available starting with the week beginning on September 13, 2020, and can be paid up to the week ending March 20, 2021, (27 weeks) if the person remains eligible.

## WHO MAY BE ELIGIBLE FOR DISASTER UNEMPLOYMENT ASSISTANCE?

DUA is available to unemployed workers or self-employed persons who were employed or who were to begin employment in the major disaster area when the major disaster occurred.

People who cannot work because of an injury caused as a direct result of the major disaster or 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. (See 20 CFR 625.4 & 625.5)

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

DUA is only available to U.S. Citizens or U.S. non-citizen nationals, or qualified aliens under the U.S. Immigration and Nationality Act (INA).

People who want to receive DUA benefits must provide proof of identity and show their status as U.S. citizens, U.S. nationals, or qualified aliens. This is regardless of territory law eligibility criteria for regular unemployment benefits. Qualified aliens include:

- Legal permanent resident (“green card” holder)
- An asylee, refugee, or an alien whose deportation is being withheld
- Alien paroled into the U.S. for at least one year
- Alien granted conditional entry (per law in effect prior to April 1, 1980)
- Cuban/Haitian entrant
- Aliens in the U.S. who have been abused, subject to battery or extreme cruelty by a spouse or other family/ household member, or have been a victim of a severe form of human trafficking
- Aliens whose children have been abused and alien children whose parent has been abused who fit certain criteria

## **ELIGIBILITY REQUIREMENTS**

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

- You must file an initial application for DUA within 30 days of the date the Oregon Employment Department announced DUA availability. The Oregon Employment Department announced DUA availability on September 21, 2020. Applications for DUA are accepted through October 21, 2020. Any DUA application received after October 21, 2020, may result in a denial of DUA benefits.

- Your unemployment or inability to perform services as a self-employed person 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 employment or self-employment;
- You do not qualify for regular unemployment benefits from any state; AND
- You must present documented proof that you were employed or self-employed at the time of the major disaster within 21 calendar days from the date of filing your DUA claim. Proof of employment or self-employment at the time of the disaster can include check/pay stubs, payroll records, bank statements, hire letters, or work orders/ledgers. Self-employed people also should provide their tax return for the last completed tax year prior to the disaster, January to December 2019 in this case. If proof is not submitted within 21 calendar days, DUA will be denied and an overpayment may result (See 20 CFR 625.6 (e)).

## **UNEMPLOYMENT AS A DIRECT RESULT OF THE MAJOR DISASTER**

To qualify for DUA, any of the following conditions of unemployment must have occurred as a direct result of the major disaster:

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

OR

- Your work hours have been reduced as a direct result of the major disaster.

## AM I ELIGIBLE FOR BENEFITS?

You can receive DUA benefits only if you meet all the federal requirements under the DUA program. A Notice of Entitlement/Eligibility Determination will be issued advising you of your Weekly Assistance Amount (WAA) 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/Eligibility Determination will explain why you are not eligible for DUA (See 20 CFR 625.4 & 625.9).

## WHAT CAN I DO IF I DISAGREE WITH A DECISION ON MY DUA APPLICATION?

Your Notice of Entitlement/Eligibility Determination will explain your appeal rights and provide instructions on how to appeal the decision. If you disagree with the decision, you have the right to request a reconsideration of the determination and you may request a hearing to appeal the decision. You may request a reconsideration by contacting the DUA unit at 503-570-5000. You also may appeal the decision by contacting the Office of Administrative Hearings by visiting our website, [unemployment.oregon.gov/contact-us](http://unemployment.oregon.gov/contact-us), and selecting the option Request a hearing / File an appeal.

You must give the reasons you disagree with the decision denying DUA. If you request that we reconsider the denial, the Oregon Employment Department, Disaster Unemployment Assistance Unit will review its prior decision and consider any new information you provide.

A request for reconsideration must be submitted within 30 calendar days from the date of determination of denial. If you disagree with the reconsideration decision you may file an appeal, and a telephone hearing will be scheduled with an administrative law judge.

You may appeal any written decisions that deny or restrict your DUA benefits. You must email your request for an appeal within 60 calendar days of the date the determination or redetermination is issued or mailed (see 20 CFR 625.10). The Office of Administrative Hearings will send you information on the hearings process.

## COMPUTATION OF WEEKLY ASSISTANCE AMOUNT

In Oregon, the amount of DUA payable to an unemployed worker or unemployed self-employed individual for a week of total unemployment is 1.25% of the total gross earnings received in the completed tax year immediately preceding the date of the major disaster. It can't be greater than \$673. (See Title 20 CFR 625.6).

For the Wildfires 2020 disaster, the DUA Weekly Assistance Amount (WAA) for individuals that worked full-time will range from \$210 - \$673.

## WHAT CAN I DO IF I CANNOT PROVIDE THE NECESSARY DOCUMENTATION SHOWING I WAS EMPLOYED OR SELF-EMPLOYED AT THE TIME OF THE DISASTER?

To receive DUA, you must provide all required documentation within 21 days from the day the claim was filed. This documentation shall include evidence of your employment or self-employment, or work that was to begin at the time of the disaster.

If you fail to provide proof to support your statement of self-employment and income, your DUA claim may be re-determined to "not entitled," and you will be liable for any overpaid benefits.

If it is determined that you made false statements to collect DUA, you will be subject to administrative penalties and may be prosecuted for fraud.

## REGISTER FOR WORK

Unless otherwise provided, and except for partially unemployed and self-employed individuals, you must register for work with your local Work Source office within 14 days after applying for DUA benefits.

If you are in Oregon and you are instructed to register for work, you must register at the local **WorkSource office** and register for iMatch Skills. You will find links for WorkSource Centers and iMatch Skills Register/Login at our website [workinginoregon.org](http://workinginoregon.org).

If you are a member of a union that does not allow you to look for work outside of your union hiring hall, you must be in good standing with the union, and able and available to return to work any time.

## WEEKLY DUA CLAIMS

Weekly DUA claims must be filed on time and in accordance with the instructions and forms provided to you by the Oregon Employment Department, DUA Unit. Forms and instructions can be retrieved from [oregon.gov/employ/disaster](https://oregon.gov/employ/disaster).

DUA is paid on a weekly basis. Our weeks start on Sunday and end on Saturday. Your weekly claim for benefits must be filed within the seven-day period immediately following the Saturday date of the week you intend to claim.

All weekly claims for assistance must be dated, postmarked, or received by the DUA Unit after the Saturday of the week you are claiming. Any weekly request for assistance that is dated or mailed prior to the Saturday of the week being claimed is considered to be submitted too early untimely and payment for the week may be denied.

To claim weeks retroactively, the weeks must be claimed within 14 days of filing the initial DUA claim. Retroactive weeks claimed after 14 days of filing an initial DUA application may be denied.

You must be able and available for work, 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 performed any work for any employer, you must report wages when earned (on the week the job was performed, not when paid) for each week claimed. If you are a self-employed person, you must report gross income when paid (regardless of when earned) for each week claimed.

When claiming weeks retroactively, you must certify that you were able and available for work during that period, unless you were injured as a direct result of the major disaster or unable to reach your place of employment as a direct result of the disaster.

You may be required to make at least two (2) direct employer contacts per week and three (3) work-seeking activities.

You may file weekly claims in person by putting your application in a secured box located outside of certain WorkSource offices, or by handing it in to authorized staff at certain evacuation sites. You may also mail, or upload your DUA documents using our Contact Us form found on [unemployment.oregon.gov/Contact-Us](https://unemployment.oregon.gov/Contact-Us). More information is available in our public website [oregon.gov/employ/disaster](https://oregon.gov/employ/disaster).

## REDUCTION OF DUA BENEFITS

Your weekly assistance amount will be reduced by wages or income you have received for a week or will receive for a week based on the following criteria:

- Gross income earned in an employer-employee relationship whether paid or not. For self-employed individuals, gross income received during the week for the performance of services in self-employment, regardless of whether or not any services were performed during the week.
- Any benefits or insurance from any source not defined as “compensation” under DUA regulation for the loss of wages due to illness or disability, such as private income protection insurance, etc.
- Workers compensation by virtue of the death of the head of household as a result of the major disaster in the major disaster area if the individual has become the head of the household and is seeking suitable work.
- Supplemental unemployment benefits (SUB) pursuant to a collective bargaining agreement.
- Private income protection insurance, by the amount the individual has received, is receiving, or would be receiving if an insurance claim was filed.
- Any public or private retirement pension or annuity.

The DUA WAA for claims filed for FEMA-4562-DR-OR, is 1.25% the total wages earned during tax year 2019, not to exceed \$673 per week. The WAA is computed based on wages earned in the base period. The DUA base period is the most recent tax year that ended prior to the unemployment caused by the disaster (20 CFR 625.6 (a)(2)).

Through January 1, 2022, you can report gross earnings of \$300 or more before your benefits are reduced. If you earn more than \$300 your WAA will be reduced dollar for dollar for every dollar you earn in excess of that amount. However, if you earn the same or more than your WAA, or work more than 39 hours in a week, you will be considered employed and therefore not eligible for DUA.

## ARE DUA BENEFITS TAXABLE?

DUA benefits are subject to state and federal income taxes. You can choose to have taxes withheld from your WAA every week. The Oregon Employment Department will provide you a 1099 form for the prior calendar year showing the amount of DUA payments you received.

## WHAT WOULD HAPPEN IF I AM OVERPAID?

Occasionally a person may receive benefits they are not entitled to, causing an overpayment. You will be notified in writing if it is decided that you have been overpaid. If a DUA overpayment is established, you will be responsible to repay the DUA amount that was overpaid. (See 20 CFR 625.14)

## WHAT ARE MY RESPONSIBILITIES WHEN CLAIMING DUA?

You are responsible to read the information provided in this handbook.

You are responsible for any information you furnish for the purpose of claiming financial assistance under the DUA program. All information is subject to verification to ensure all information furnished is complete and correct.

If you willingly make a false statement or conceal information to receive DUA, you are subject to criminal prosecution and penalties under Oregon and/or Federal Law. In addition, you will be liable for repayment of any DUA payments that are determined to be overpaid as a result of such concealed information or false statement(s).

## WHAT HAPPENS TO THE INFORMATION I PROVIDE?

Information requested for use by the Oregon Employment Department, Disaster Unemployment Assistance Unit, is authorized under Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act) (42 U.S.C. §5177).

All information provided will be kept confidential, except 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 DUA eligibility and to ensure that benefits have been properly paid.

## HOW AND WHERE CAN I APPLY FOR DUA?

People from Clackamas, Douglas, Jackson, Klamath, Lane, Lincoln, Linn, and Marion counties, who lost work as a direct result of the Wildfires and Straight-line Winds disaster may apply for DUA by mail, online, or in person.

To receive DUA, you must give all required documentation, using any of the methods disclosed above, within 21 days from the day you filed your DUA initial claim. Documentation must support your statement of employment, self-employment, or work that was to begin at the time of the disaster.

### Mail:

Oregon Employment Department  
Disaster Unemployment Assistance  
875 Union Street NE  
Salem, OR 97311-0800

### Telephone:

(503) 570-5000

### Website:

[www.oregon.gov/employ/disaster](http://www.oregon.gov/employ/disaster)

[unemployment.oregon.gov/contact-us](http://unemployment.oregon.gov/contact-us)



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