



# Division of Employment and Rehabilitation Services



## Disaster Unemployment Assistance Program Handbook

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

Due to the Privacy Act, Arizona Department of Economic Services) DES are prohibited from revealing information about your DUA claim to your spouse, relatives, friends, non-interested parties, and private interest groups. Federal legislation requires that such information will be used for other governmental purposes, including verifying eligibility for other governmental programs. Confidentiality will be the responsibility of all agencies using the information.

## **What is Disaster Unemployment Assistance?**

The Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act) (42 U.S.C. §5177) authorizes the Disaster Unemployment Assistance (DUA) program. The purpose of the program 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 working in the disaster areas. DUA funding 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 a hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, earthquake, drought, ice conditions, or other catastrophe) declared by the President of the United States and that warrants federal government assistance to communities and individuals. After the President makes the declaration and defines the disaster area, if DUA benefits are made available, Arizona DES will announce the DUA filing period for the affected areas 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 eligible individuals as long as their unemployment that was 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 and individuals must file weekly claims to receive payment. (See 20 CFR 625.2(f) & 625.7)

## Who may be eligible for Disaster Unemployment Assistance?

DUA is available to unemployed workers or self-employed individuals who were employed or were to commence employment in the major disaster area when the major disaster occurred. Individuals 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). Individuals who wish to receive DUA benefits must provide proof of identity and demonstrate their status as U.S. citizens, U.S. nationals, or qualified aliens. This is irrespective 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

## General Eligibility Requirements

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

- An initial application for DUA must be filed within 60 days of the presidential declaration date of the major disaster. Any DUA application received after the 60 day deadline, may result in a denial of DUA benefits unless it is determined there was good cause for late filing;
- 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 employment or self-employment;
- You do not qualify for regular unemployment benefits from any state;
- Unless good cause is shown, you do not refuse to accept an offer of work in a suitable position, or to resume or commence suitable self-employment (See 20 CFR 625.4 (h)); 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 the DUA claim. Proof of employment or self-employment at the time of the disaster can include check/pay stubs, payroll records, bank statements, or work orders/ledgers. Self-employed individuals should also provide their tax return for the last completed tax year prior to the disaster. If proof is not submitted within 21 calendar days, DUA will be denied and an overpayment may result (See 20 CFR 625.6 (e)).

## 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/work, or
- You are unable to reach your place of employment or self-employment, or
- You were scheduled to begin employment in a new job but that work is now unavailable 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, or
- Your work hours have been reduced as a direct result of the major 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 Determination of Entitlement will be issued advising you of your Weekly Benefit Amount (WBA) if you meet the eligibility requirements of the DUA program. If you do not meet the eligibility requirements of the DUA program, the Determination of Eligibility will explain why you are not eligible for DUA (See 20 CFR 625.4 & 625.9).

## Disagree with a DUA Determination

You have the right to file an appeal or request a reconsideration to a Determination of Entitlement/Eligibility denying your eligibility for DUA. Any appeal or request for reconsideration must be directed to the Arizona DES and you must state the reasons why you disagree with the determination denying you DUA.

If you request a reconsideration, Arizona DES will review the prior determination and will consider any new information you may provide. A request for reconsideration must be submitted **within 30 calendar days** from the date the DUA Determination of Entitlement/Eligibility was issued. If you disagree with the reconsideration decision you may file an appeal.



If you file an appeal to a Determination of Entitlement/Eligibility, an appeal must be filed **within 60 calendar days** from the date determination of denial was issued. A telephone hearing will be scheduled with an appeals hearing officer.

An appeal or request for reconsideration may be filed:

- **Online:** Go to [uiappeals.azdes.gov](http://uiappeals.azdes.gov) You should leave the initial Social Security number and PIN fields blank. You will give your Social Security number and an explanation of why you believe the determination is wrong later in the process.
- **By Telephone:** Call (877) 600-2722 (toll free), (602) 364-2722 (Phoenix), or (520) 791-2722 (Tucson) Be prepared to speak with a DES representative about why you believe the determination is wrong.
- **By Fax or by Mail:** Fill out the Request for Reconsideration/Appeal (form [UIB-0126A-FF](#)) form. It can be downloaded from [www.azui.com](http://www.azui.com) (click How to File an Appeal, then Filing an Appeal). Attach a copy of the determination. You or your authorized representative must sign the form and your appeal must include your name, and Social Security number on every page. Submit the signed form and a copy of the determination as follows:
  - **Fax:** (602) 257-7063 or (602) 257-7056
  - **Mailing address:**  
Arizona Department of Economic Security  
Unemployment Insurance Administration  
ATTN: DUA Processing / MD 5895  
PO Box 29225  
Phoenix, AZ 85038-9225

## Computation of Weekly Benefit Amount

In Arizona, the amount of DUA payable to an unemployed worker or unemployed self-employed individual for a week of total unemployment is determined based on wages from the individual's base period (See Title 20 CFR 625.6(c)).

The DUA base period is the most recent tax year that ended prior to the unemployment caused by the disaster (See 20 CFR 625.6 (a)(2)) most recent base period.

The WBA of an individual shall be an amount equal to 1/25 of the person's total wages for insured work paid during that quarter of the person's base period in which such total wages were highest (See ARS 23-779).

You must submit documentation within 21 days of filing an initial DUA application to Arizona DES substantiating wages earned from employment or net income earned from self-employment during the DUA base period. Wage documentation can include but is not limited to: Tax Returns, W2s or 1099s, copies of paycheck stubs showing your earnings, bank receipts showing deposits, and business records such as ledgers, invoices or billing notices. Your wage information will be used to determine your DUA WBA.

If you are found eligible for DUA but do not submit wage documentation or provide insufficient wage documentation, you will be found eligible for the Minimum DUA WBA.

### **What if I cannot provide the necessary documentation showing I was employed or self-employed at the time of the disaster?**

To receive DUA, individuals must provide documentation within 21 calendar days from the day the claim was filed that provides proof of their employment or self-employment or work that was to begin at the time of the disaster. If you fail to substantiate any evidence of your employment or self-employment, you may be ineligible for a payment of DUA for any week of unemployment due to the disaster, 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.

### **Registering for Work**

Except for partially unemployed and self-employed individuals, individuals applying for DUA should register with the Arizona Job Connection. You may register for Arizona Job Connection in-person at an ARIZONA@WORK Job Center (locations listed [here](#)) or online at [www.azjobconnection.gov](http://www.azjobconnection.gov).

### **Weekly DUA Claims**

Weekly DUA claims must be filed timely and in accordance with the instructions and forms provided to you by Arizona DES.

DUA is paid on a calendar week basis in Arizona. Your weekly claim for benefits must be filed within the seven-day period immediately following the Saturday date of the week you are claiming. All weekly claims for assistance must be signed, dated and postmarked or received by the DES after the Saturday of the week you are claiming. Any weekly request for assistance that is not signed, dated or mailed prior to the Saturday of the week being claimed is considered to be untimely and payment for the week 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. You are required to make at least four (4) job contacts per week. If you performed any work for any employer, 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.

You may file weekly claims in person. If you mail your claim forms, you must enclose them in an envelope with the correct amount of first-class postage. No mail will be accepted without sufficient postage.

## Reduction of DUA Benefits

The WBA payable to you will be reduced by wages or income that you have received for a week or will receive for a week based on the following criteria:

- Wages in excess of \$160 earned in an employer-employee relationship. For self-employed individuals, wages in excess of \$160 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.

Any week claimed in which an individual reports gross earnings of less than the WBA, they will be considered partially unemployed. The first \$160 of reported wages will not reduce the DUA WBA. Any amount over \$160 of wages reported will reduce the DUA WBA. If wages reported after the first \$160 are equal to or more than the WBA, the individual will be considered fully employed and no benefits will be paid.

## Are my benefits taxable?

DUA benefits are subject to federal income taxes. You may indicate on your application if you choose a voluntary withholding of Federal Income Tax from DUA. 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 the Arizona DES. Arizona DES will provide you a 1099 form for the prior calendar year showing the amount of DUA payments you received.

## What if I am overpaid?

Occasionally an individual may receive benefits to which they are not entitled, causing an overpayment. You will be notified in writing if it is determined 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?

You are responsible for reading the information provided in the 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.

You are responsible for providing documentation to verify your identity when applying for DUA benefits. Should you fail to provide the required information your DUA claim will not be processed.

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

## Why must I provide documentation and proof of my Social Security Number?

Information requested for use by the Arizona DES, Division of Employment and Rehabilitation Services is authorized under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act) (42 U.S.C. §5177). All information furnished 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?

Individuals who lost work as direct result of a major disaster may apply for DUA.

### By Mail:

Arizona Department of Economic Security  
Unemployment Insurance Administration  
ATTN: DUA Processing / MD 5895  
PO Box 29225  
Phoenix, AZ 85038-9225,

**By Phone:** 1-855-220-0905,

**Or via the Internet:** [des.az.gov/DUA](https://des.az.gov/DUA)

**To receive DUA payments, individuals must provide all documentation within 21 days from the day the claim was filed that provides evidence of their employment or self-employment or work that was to commence at the time of the disaster.**

Equal Opportunity Employer / Program • Auxiliary aids and services are available upon request to individuals with disabilities • To request this document in alternative format or for further information about this policy, contact your local office; TTY/TDD Services: 7-1-1 • Disponible en español en línea o en la oficina local

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