

Disaster Unemployment Assistance (DUA)

Frequently Asked Questions

What are Disaster Unemployment Assistance (DUA) benefits?

Disaster Unemployment Assistance (DUA) benefits are Unemployment Insurance (UI) benefits for individuals who:

- lost their job or self-employment, or who are no longer working as a direct result of a major disaster; and
- applied for but are NOT eligible for regular unemployment insurance.

"Direct result of a major disaster" means an immediate result of the disaster itself, not the result of a longer chain of events caused or worsened by the disaster. An individual's unemployment is a direct result of the major disaster if one of these situations applies:

- The individual's place of employment or self-employment was physically damaged or destroyed.
- The place of employment or self-employment is inaccessible to the individual because it is located in an area closed by or at the request of the federal, state or local government, in immediate response to the disaster.
- The individual lost a majority of income or revenue from a business that was damaged or destroyed in the disaster, or is located in the major disaster area closed by the federal, state or local government.

How do I qualify for DUA benefits?

You may qualify for DUA benefits if one of the following occurred as a direct result of the disaster:

- you lost your job, which was your principal source of income (more than 50 percent of your total income);
- you live in, work in, or travel through the disaster area;
- your place of employment was damaged or closed;
- you were scheduled to start work but the job no longer exists or you can no longer reach the new job;
- you suffered injury or incapacitation; or
- you became the breadwinner or major wage earner of the household due to the death of the head of household.

How do I apply for DUA benefits?

WorkForce West Virginia must determine if you are eligible for regular benefits before you can receive DUA benefits. To file, report to a local WorkForce West Virginia Office and complete an application for

regular unemployment insurance (UI) benefits. If there is a potential that you are ineligible for regular benefits, you will be asked to complete an application for DUA benefits.

IMPORTANT: DUA benefits are not the same as help from the Federal Emergency Management Agency (FEMA). You must apply separately for FEMA assistance through FEMA. For more information about FEMA assistance, visit www.fema.gov.

How long do I have to apply for DUA benefits?

You have thirty days to file an application for DUA once we announced the availability of DUA for the county in which you work or reside.

I applied for DUA benefits. What do I do next?

Provide WorkForce West Virginia with proof of employment/wages earned in calendar year 2015 within 21 days of applying for DUA benefits.

What if I am self-employed, do I have to look for work?

If you are self-employed and are taking steps to reopen your business, you do not have to search for work. If you do not plan to reopen your business, you must actively search for full-time work.

What is proof of employment?

WorkForce West Virginia must have proof, as required by federal law, that you were working or self-employed at the time of the disaster; or scheduled to start work on or after the date of the disaster.

Examples of documentation include: Federal income tax Form 1040; and Schedule C, F, or SE for the most recently completed tax year. A letter from a potential employer; earnings statement information; or written statement from your employer. Property titles or deeds for the place of business, copy of Rental agreement or letter from a property owner showing that you operated or planned to open a business at the time of the disaster; or one of the following to prove existence of the business such as advertising, state tax registration, etc. to prove the existence of a business.

What are my ongoing requirements for DUA?

DUA eligibility requirements are similar to those for regular unemployment insurance benefits. You must meet all of these requirements to continue to receive DUA benefits.

- You are unemployed as a direct result of the disaster;
- You are legally authorized to work in the United States.
- You are able and available for work.

- You are searching for work (unless ill or injured due to the disaster).
- You are submitting timely DUA benefits payment requests.
- You have not refused an offer or referral to suitable work.

How do I request payment of DUA benefits?

WorkForce West Virginia uses paper forms to process DUA payment requests. We will send you paper Payment Request forms for each two-week period. Complete the payment request form and mail it back to WorkForce West Virginia on the date shown on the form. Answer each question truthfully. Knowingly giving false information or withholding information to obtain or increase a benefit is fraud, and you can be prosecuted under state and federal laws.

Do not return the payment request form if you have returned to full-time work, or you resumed normal self-employment activities.

IMPORTANT: You cannot request payment online or by telephone. You must use the paper forms that WorkForce West Virginia sends to you.

How do I report wages/income on my Weekly Certification form?

Employees, workers or contract laborers must report the total gross wages before deductions (such as taxes); and the wages from all work (whether full-time, part-time, temporary, or contract work) in the week you performed the work, not when the earnings are paid.

If you are self-employed, you must report the total gross earnings and commissions before deductions (such as operating expenses); in the week you earn the income.

NOTE: Self-employed farmers must also report subsidy/price support payments, crop insurance and farm disaster relief (non-DUA) payments.

How do I receive DUA payments?

WorkForce West Virginia pays DUA benefits by check.

How long can I receive DUA benefits?

DUA benefits are available only during the Disaster Unemployment Assistance Period, which begins with the first week following the date that the major disaster is declared. WorkForce West Virginia will pay benefits as long as directed by the Federal Emergency Management Agency (FEMA) and DUA regulations. The date of each DUA claim will be backdated to the Sunday of the week in which the claimant became unemployed due to conditions caused by the storms and flooding, but not prior to June 26, 2016. The expiration date of this period of DUA is December 24, 2016.

WorkForce West Virginia can pay you DUA benefits until: the end of the Disaster Unemployment Assistance Period; or you return to work and your unemployment is no longer a direct result of the disaster, whichever comes first. We determine your eligibility for DUA benefits on a week-to-week basis after reviewing your payment request.

What if my DUA Benefit Determination is incorrect or is missing wages?

DUA is different from regular UI. WorkForce West Virginia may use income not normally covered by regular UI, such as contract labor or self-employment earnings, to establish a DUA claim.

If you are missing wages on your DUA Benefit Determination, or if you disagree with the potential benefit amount, you may request a redetermination of your benefit amount by supplying proof of wages/income for the most recently completed tax year.

Workers/employees/contract laborers should send pay stubs, earnings statements, IRS Form W-2, and/or IRS Form 1099.

Self-employed individuals should send IRS Form 1040 and a copy of Schedule C, F, or SE return.

Workforce West Virginia cannot accept any proof or adjust your wages/weekly benefit amount after the Disaster Unemployment Assistance Period ends.

You may submit your documents in person to your local unemployment office. If it is more convenient you may Mail or FAX these documents to:

Workforce West Virginia
UC Benefits & Technical Support
112 California Avenue
Charleston, WV 25305-0112
FAX: (304) 558-3252

Can WorkForce West Virginia reduce my DUA payments?

WorkForce West Virginia may reduce your DUA benefit payments if you receive:

- benefits or insurance for loss of wages due to illness or disability;
- supplemental unemployment benefits paid pursuant to a collective bargaining agreement;
- private income protection insurance;
- Workers' Compensation or survivor's benefits if you become the major wage earner of the family as a result of the death of the head of the household because of the disaster;
- retirement, pension or annuity benefits;
- earnings from employment or self-employment;
- subsidy/price support payments, crops insurance, and farm disaster relief payments (not to be confused with DUA), provided services were performed;
- a court order to pay child support; or
- an outstanding overpayment of unemployment compensation benefits.

When will my DUA benefits end?

Workforce West Virginia may reduce or stop your DUA benefits if any of the following occur:

- you become employed or fully resume pre-disaster self-employment activities;
- you are no longer unemployed as a direct result of the disaster;
- you are not able or available to work;
- you do not search for work;
- you refuse to accept suitable work or a referral to suitable work without good cause;
- you receive a retirement pension or annuity, private insurance benefits for loss of wages, Workers' Compensation or survivors benefits, or other supplemental unemployment benefits;
- the Disaster Unemployment Assistance Period ends; or
- you become eligible for regular UI benefits.

Are DUA benefits taxable?

Yes, DUA benefits are taxable.

The Internal Revenue Service (IRS) requires you to report your DUA benefits as income. WorkForce West Virginia mails IRS Form 1099-G in January, which lists the total amount of all benefits you received during the calendar year.

Can you withhold federal income tax?

Yes, if requested we can withhold 10% of your benefits for federal income tax. At this time we cannot withhold state income tax.

How do I file an appeal?

If you disagree with a determination on your DUA claim, you have 60 days from the date WorkForce West Virginia mailed the decision to appeal. You must mail your appeal no later than 60 days from the date WorkForce West Virginia mailed the decision. WorkForce West Virginia will use the postmark to determine whether your appeal is timely.

Provide your current address and telephone number on the appeal and include a copy of the determination you are appealing and sign the letter requesting to appeal.

It is in your best interest to continue to request payment every two weeks while you wait for the result of the appeal. If the appeal decision is in your favor, WorkForce West Virginia **can pay** you only for weeks in which you requested payment and met all other requirements. **Therefore, unless you return to employment, do not stop filing your weekly certifications.**

You may submit your request to file an appeal in person to your local unemployment office. If it is more convenient you may or Mail or FAX the request to:

Workforce West Virginia
UC Benefits & Technical Support
112 California Avenue
Charleston, WV 25305-0112
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What are the penalties for fraud?

It is your responsibility to give truthful, complete answers when you apply for benefits and request payment. Fraud is knowingly giving false information, or failing to give information, to obtain or increase a benefit.

If you commit fraud, you: lose your remaining benefits; must repay any benefits you received; and may face criminal charges. If convicted, you could face a fine and jail time. DUA benefits are paid using federal funds. All information is subject to verification by WorkForce West Virginia and the U.S. Department of Labor. Criminal and/or civil penalties will be enforced for violation of state and/or federal laws.