

**NC DEPARTMENT OF COMMERCE
DIVISION OF EMPLOYMENT SECURITY
DISASTER UNEMPLOYMENT ASSISTANCE
BENEFITS RIGHTS AND RESPONSIBILITIES**

This is to inform you of your rights and responsibilities when you apply for Disaster Unemployment Assistance (DUA).

DUA is available to unemployed workers or unemployed self-employed individuals who were employed or were to commence employment in the major disaster area when the major disaster occurred. Also eligible are individuals who become the breadwinners or major support of the family because the head of the household has died as a direct result of the major disaster.

An individual shall not be eligible for DUA under the following conditions:

- The individual has a current benefit year in progress and has not exhausted benefits to which they are entitled, or
- Is eligible to establish a new benefit year under State Law.

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 30 days of the State announcement date of the availability of assistance, and
- Your unemployment must have been caused as a direct result of a major disaster declared by the President of the United States, and
- The wages used to calculate your weekly benefit amount meet the state unemployment benefit criteria, and
- All individuals must furnish documentation within 21 days to substantiate wage information used in the calculation of benefits, and
- All individuals must be United States citizens or non-citizens with proof of immigration registration from the Immigration and Naturalization Service (INS) that contains the individual's alien file number or such other documents as constitute reasonable evidence of satisfactory immigration status.

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 to qualify for DUA. The individual:

- Must no longer have a job, or
- Must be unable to reach the place of employment, or
- Was to start work in the major disaster area and the job no longer exists or is unable to reach the job, or
- Became the breadwinner or major support of the family because the head of household died in the disaster, or
- Cannot work because of an injury incurred during the major disaster.

If you are not a citizen of the United States, you cannot be paid DUA benefits based on your service unless you were legally authorized to work in the United States at the time such services were performed.

Reporting and Filing Requirements

- An Initial claim must be filed timely (30 days from the announcement date), and
- Continued claims must be filed weekly, and
- If required an active work search must be conducted for each week claimed, and
- An applicant must be able and available for work. An applicant will be deemed to have met this requirement if any injury, directly caused by the major disaster, is the reason for inability to work.

Important: If you have appealed a decision denying DUA benefits, you should continue to file weekly claims for benefits until the appeal is decided. If the decision finds you eligible to receive DUA benefits, you will be paid only for those weeks for which you filed timely claims.

Base Period

The most recent tax year that has ended will be considered as the base period to be utilized in computing a DUA weekly benefit amount (WBA).

Weekly Benefit Amount (WBA)

The computation of the WBA for DUA will be based on the net income on the most recent tax year that has ended. The state unemployment compensation formula will be used to compute the WBA and earnings allowance. All individuals who have worked full-time but have insufficient wages to compute a WBA or who are entitled to a DUA WBA less than 50 percent of the average weekly unemployment compensation (UC) amount will be eligible for 50 percent of the average weekly UC amount.

Continuation of Benefits

An applicant's continued eligibility for benefits during the disaster assistance period prescribed by law is determined on a week-to-week basis. For each week claimed, the applicant's unemployment must continue to be a direct result of the major disaster.

Reduction of DUA Benefits

- The WBA payable to an individual for a week of unemployment shall be reduced (but not below zero) by the full amount of any gross income, less the Earnings Allowance Amount, earned during the week for the performance of services.
- Benefits are reduced by the weekly amount for any pension received from a base period employer.
- Benefits are reduced by the weekly amount of court ordered child support.

Voluntary Election for Withholding of Individual Income Tax

DUA benefits are taxable at both Federal and State level. You may elect to have the Division of Employment Security withhold a portion of your benefits each week to meet this tax obligation. Form NCUI 500TW DUA is mailed with eligible DUA Monetary Determinations for completion and return if you wish such withholding to be done.

Direct Deposit of DUA Benefits

DUA benefits are paid by check which is sent by US Mail to the recipient. Direct deposit of DUA benefits is not available at this time.

Disqualification or Termination of Benefits

An applicant's disqualification or termination of DUA will be determined as follows:

- The applicant is reemployed in a suitable position, or
- The applicant refused without good cause to accept suitable work or a referral to suitable work, or
- The applicant is not able or available for work (except within special provisions of DUA), or
- The applicant fails to comply with the work search requirements, or
- The applicant is no longer unemployed as a direct result of the major disaster.

Notice of DUA Determination of Entitlements

The applicant will be notified in writing of the initial determination or redetermination of entitlement or reason for nonentitlement to DUA benefits.

Appeals

Any determination or redetermination regarding the eligibility for DUA or amount of assistance may be appealed within 60 days from the date the determination was mailed notifying the applicant of the award or denial of DUA assistance.

YOU ARE RESPONSIBLE FOR GIVING CORRECT ANSWERS TO ALL QUESTIONS ASKED IN YOUR INITIAL AND WEEKLY APPLICATIONS FOR DUA BENEFITS. ALL INFORMATION FURNISHED IS SUBJECT TO VERIFICATION. DUA BENEFITS ARE PROVIDED THROUGH FEDERAL FUNDS. CRIMINAL AND/OR CIVIL PENALTIES FOR VIOLATION OF FEDERAL AND/OR STATE LAWS WILL BE ENFORCED FOR WILLFULLY MAKING FALSE STATEMENTS OR CONCEALING INFORMATION THAT IS MATERIAL TO YOUR RECEIPT OF DISASTER UNEMPLOYMENT ASSISTANCE.