

**DISASTER UNEMPLOYMENT ASSISTANCE
INFORMATION and ASSISTANCE RIGHTS****What is Disaster Unemployment Assistance (DUA)?**

The Robert T. Stafford Disaster Relief and Emergency Assistance Act (P.L. 93-288, as amended by P.L. 100-707) provides for financial assistance to individuals who become unemployed or cannot commence employment as a direct result of a major disaster which has been declared by the President of the United States. Disaster assistance benefits are wholly federally financed. Funds are provided by the Federal Emergency Management Agency (FEMA) for payment through the state unemployment insurance system.

What are the Eligibility Requirements for DUA?

- You must be an unemployed worker or an unemployed self-employed individual who does not qualify for any other unemployment benefits under any federal or state law.
- You lost your primary source of income because you can no longer perform services in employment or self-employment as a direct result of the major disaster.
- Your unemployment is a direct result of the major disaster if:
 - ▶ You were laid off or partially laid off from employment, or your place of business is no longer operating because of physical damage or destruction of your work site, or
 - ▶ You are unable to reach the place where services are performed because it was closed by the government due to the disaster, or
 - ▶ You were laid off due to lack of work or loss of revenues, and your employer or your business received, prior to the disaster, a majority of its income from an entity that was damaged or destroyed, or closed by the government as a result of the disaster, or
 - ▶ You were to start employment or self-employment and either do not have a job or a place to perform your business, or you are unable to reach the work site as a direct result of the disaster, or
 - ▶ You have become the major support for a household because the head of the household who was an employee has died as a direct result of the disaster, or
 - ▶ You cannot perform services in employment or self-employment because of an injury caused as a direct result of the disaster.
- You must file your application for DUA benefits within 30 days following the announcement by the State Department of Labor and Industrial Relations of the availability of DUA. If you fail to file within 30 days, good cause must be established but no DUA application will be accepted beyond 26 weeks after the announcement date.
- You must be able to work and available for work (unless you are physically injured as a result of the major disaster and/or you are a self-employed worker engaged in activities solely for the purpose of resuming self-employment).
- You must register for work with the Workforce Development Division (WDD) within 7 days after you apply for DUA or as instructed by the Unemployment Insurance Office. You must post an online resume in HireNet Hawaii, WDD's internet job matching system, at www.hirenethawaii.com.
- You have not refused a bona fide offer of suitable employment without good cause, or have not refused to resume or commence suitable self-employment if the work could have been undertaken.
- You must meet all other eligibility requirements for a regular unemployment insurance claim, except where inconsistent with the DUA provisions.

NOTE: If you are a self-employed individual, DUA benefits are payable only until such time that there are no *substantial restrictions* as a direct result of the disaster, (such as, structural damage to your place of business; or loss or damage to equipment, inventory, business records, or vehicles used in your business) which prevent you from performing your customary services or activities. Whether there are any substantial restrictions will be determined on a case-by-case basis by a claims examiner. If you can perform your customary services but are not doing so, or only on a limited basis due to a lack of customers, you are not considered to be unemployed as a direct result of the disaster and will not be eligible for DUA benefits.

How do I apply for DUA benefits?

- You may file an application for DUA by telephone using **HAWAII TELE-CLAIM**. Call **643-5555** from anywhere in Hawaii or **1-877-215-5793** toll-free from outside of Hawaii, Monday to Friday, excluding state holidays, between 7:45 a.m. to 3:45 p.m. Hawaii Standard Time.
- You may also file a DUA application by reporting in-person to the nearest Unemployment Insurance Claims Office or to a Disaster Recovery Center if available. Filing by internet is not available in Hawaii at this time.

How long can I receive DUA benefits?

DUA is available to an individual as long as the individual's unemployment caused by a major disaster continues but no longer than 26 weeks after the announcement of the major disaster, provided that all eligibility requirements are met, and an earlier date for the end of the disaster has not been determined.

What kinds of income/benefits are deductible from DUA?

The weekly DUA amount, payable to an individual for a week is reduced by wages earned in such week in accordance with State law provisions. The following will also be deducted:

- Compensation from any source for wage loss due to illness or disability.
- Supplemental unemployment compensation payable under a collective bargaining agreement.
- Private income protection insurance.
- Any worker's compensation benefits paid to survivors due to the death of the head of the household as a result of the major disaster.
- Income received from retirement or pension plans which are deductible under State law.

How much is my weekly DUA payment?

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

1. If you have wages or net income in two quarters of your base period and total wages of 26 times your DUA WAA, your DUA WAA will be computed as one twenty-first (1/21) of the wages/net income paid during the calendar quarter in which your wages/net income were the highest. The base period used to determine if you qualify is your most recently completed tax year prior to the effective date of your claim. Your wages/net earnings from both covered and non-covered employment and self-employment are included in the base period wages. The maximum DUA WAA is the same as the State's maximum weekly benefit amount for this year. For 2008, the maximum weekly benefit amount is \$523. For 2009, the maximum weekly benefit amount is \$545.
2. If your DUA WAA computed under method #1 above is less than 50% of the AWBA, your DUA WAA will be the higher figure. For the period from October 1 to December 31, 2008, the 50% AWBA for Hawaii is \$201. For the period from January 1 to March 31, 2009, the 50% AWBA for Hawaii is \$205.
3. If you worked part-time during the most recently completed tax year either in employment or self-employment, you will be entitled to the higher of 1/21 of your high quarter wages, or the percent of your part-time hours to the customary full-time weekly hours of your occupation times 50% of the AWBA. If you had insufficient or no base period wages/net income or your business suffered a loss, you will be entitled to the 50% AWBA.
4. If you had no prior employment, and you were supposed to start employment or self-employment at the time of the disaster but were prevented from doing so as a direct result of the disaster, your DUA WAA will be the 50% AWBA.
6. If you customarily worked in a family unit or in the same self-employment business, you will be entitled to wages or net income of the business allocated equally among the adult family members of the business, unless there is documentation to substantiate otherwise.
7. Minors (persons under 18 at the time they file their initial DUA application) who worked as a member of a family unit in a business/farm will be credited with the actual wages earned or paid, provided the amount of income is substantiated by business records or certified by an adult member.
8. Employment or self-employment, or wages earned or paid for employment or self-employment, contrary to or prohibited by any federal law cannot be used to establish a DUA claim. For example, services by an illegal alien are prohibited by federal law.

If you do not have your tax return for the most recently completed tax year or records to substantiate the existence of your business and your net income during the most recently completed tax year, your DUA WAA will be computed according to #1, 2, or 3 above based on your affidavit of net income. If you are able to substantiate the existence of your business but do not furnish substantiating documentation of your net income as required within 21 days, your DUA weekly amount will be reduced to 50% of the AWBA. If you fail to substantiate any evidence of your self-employment and net income, your

DUA claim may be redetermined to be invalid, and you will be liable for any overpaid benefits and may be subject to administrative penalties or prosecuted for fraud.

How do I submit claims for weekly benefits?

You will be mailed *Weekly Request for Assistance* claim forms to request payment of DUA benefits. Instructions for completing the forms will also be mailed to you. The claim forms must be submitted weekly for each week you are claiming DUA assistance. The period for the weekly claim always begins on Sunday and ends on the Saturday of the week you are filing for. The claim forms must be postmarked or received by the unemployment claims office within 7 days from the weekending date of the claim. The claim may be accepted within 14 days of the weekending date if you can show good cause for the late filing. Filing DUA weekly certifications by telephone are not available at this time.

If you do not file weekly claim forms for two or more consecutive weeks, you must reopen your claim. If you relocate to another island or out-of-state, you must report your change in address, change your claim office, and register for work at your local employment service office. To report the changes, call Hawaii Tele-Claim at 643-5555 or toll-free at 1-877-215-5793 from outside of Hawaii on Monday to Friday, excluding holidays, from 7:45 am to 3:45 pm HST.

What if I disagree with a determination made by the Unemployment Insurance Division?

You will receive a *Notice of Determination of Entitlement* which will provide you with information on whether you are entitled to DUA assistance or whether you are not entitled. If you disagree with any determination made by the Unemployment Insurance Division, you may request reconsideration by the Unemployment Insurance Division or file an appeal for review by the Employment Security Appeals Referees Office (ESARO). Your request for reconsideration or appeal must be in writing. If you are requesting reconsideration, you must submit the request within 10 calendar days after the date the determination was delivered or mailed to your nearest unemployment insurance claims office. If you are filing an appeal, you must submit your appeal within 60 calendar days from the date the determination was delivered or mailed to your nearest unemployment insurance claims office or directly to ESARO with a copy of the determination.

DUA Benefits are Taxable

DUA benefits are fully taxable if you are required to file a tax return. You may elect to have federal income taxes of 10% and Hawaii state income taxes of 5% withheld from DUA benefits payable to you. You can make this election when you file a new claim or later during your benefit year. Once you elect withholding, you are permitted only one change to stop withholding of federal and/or state income taxes. If you do not elect withholding, it may be necessary for you to make estimated tax payments.

You will be furnished a statement, Form 1099G, at the end of January, reporting benefits paid to you by the Unemployment Insurance Division, and any federal or Hawaii state income taxes withheld.

Tax questions should be directed to the Internal Revenue Service for federal tax information or to the State Department of Taxation, Taxpayer Services Branch, for Hawaii state tax information.

Child Support Deductions

Child support payments are deductible from your DUA benefits. The Child Support Enforcement Agency (CSEA) is responsible for collecting child support obligations and the amount withheld is determined by an agreement between the CSEA and the affected parent or by court action. The CSEA will be notified of your eligibility for DUA benefits and will determine how much is deductible. If you have any questions regarding the deductions made to your check or wish to make arrangements to take advantage of this program, please contact the appropriate CSEA office in your area.

For More Information

Please contact your nearest unemployment claims office if you have questions or need more information regarding your DUA claim or the DUA program.

Honolulu Claims Office
830 Punchbowl St, Ste 110
PO Box 4090
Honolulu, HI 96812-4090
Ph: (808) 586-8970 or 586-8971
Fax: (808) 586-8980

Hilo Claims Office
1990 Kinoole St, Ste 101
Hilo, HI 96720-5293
Ph: (808) 974-4086
Fax: (808) 974-4085

Maui Claims Office
54 South High St, Ste 201
Wailuku, HI 96793-2198
Ph: (808) 984-8400
Fax: (808) 984-8444

Kaneohe Claims Office
(Mon & Wed only)
46-005 Kawa St, Ste 205
Kaneohe, HI 96744
Ph: (808) 233-3679

Kona Claims Office
Ashikawa Building
81-990 Halekii St, Ste 2090
PO Box 167
Kealahou, HI 96750-0167
Ph: (808) 322-4822
Fax: (808) 322-4828

Molokai Claims Office
55 Makaena St, Ste 4
PO Box 1858
Kaunakakai, HI 96748-1858
Ph: (808) 553-1750
Fax: (808) 553-1753

Waipahu Claims Office
94-275 Mokuola St, Ste 301
Waipahu, HI 96797-3369
Ph: (808) 675-0030
Fax: (808) 675-0025

Kauai Claims Office
3-3100 Kuhio Hwy, Ste C12
Lihue, HI 96766-1153
Ph: (808) 274-3043
Fax: (808) 274-4036

Liable Interstate Unit
PO Box 4090
Honolulu, HI 96812-4090
Ph: (808) 586-8960
Fax: (808) 586-8980

Employment Security Appeals Referees Office
830 Punchbowl St, Ste 429
Honolulu, HI 96813-5080
Ph: (808) 586-8930
Fax: (808) 586-8944