

DISASTER UNEMPLOYMENT ASSISTANCE (DUA)

Information from Terri Warren at the Texas Workforce Commission (TWC). Ms. Warren is the TWC DUA “expert” and in charge of DUA assistance in Texas.

I. DUA CLAIMS IN GENERAL:

What do I do if I received unemployment benefits before and forgot my TWC user name & password?

You may be able to access the ID & Password through the website by answering the security questions. If that does not work, you must call a TWC telecenter.

How is a DUA claim filed in Texas?

All claims for unemployment benefits, whether regular unemployment benefits or Disaster Unemployment Assistance (DUA) funded by FEMA, begin with filing an application with the TWC, generally online.

If the individual clearly does not qualify for unemployment benefits and is seeking benefits due to a disaster, the TWC application form should automatically include the DUA claim questions. IF THIS OCCURS, the website will say that the individual has successfully filed a DUA claim.

If they receive the notice that a DUA claim has been filed, no other action need be taken to file a DUA claim, other than responding within the **21 day period** following the claim filing date with proof of working at the time of the disaster and proof of wages. No FEMA disaster assistance claim needs to be filed for unemployment benefits, although a FEMA claim for disaster assistance should be filed if the individual has had any damage to house, contents, vehicles, etc. due to a disaster.

If the online application DOES NOT automatically include the DUA claim questions, the person has NOT filed a DUA claim. They have only filed a Texas claim for unemployment benefits. To complete filing a DUA claim, they MUST call a telecenter and do it during the phone call. They should do this immediately after completing the TWC application online, so the filing deadline does not run.

What needs to be filed within 21 days of filing a DUA claim?

Within 21 days of filing a DUA claim (count the day after filing the claim as day 1), the individual **must** provide the required documents. They need to look online or on their information from TWC as to just what documents they should provide. (Please note: if they need a copy of the 2016 federal income tax return and don't have a copy, they can print it out from IRS. They will need to check irs.gov or call the IRS to find out how.

NOTE: THERE IS NO EXTENSION OF THE 21 DAY PERIOD, EVEN FOR GOOD CAUSE. THE CLAIMANT MUST GET THEIR DOCUMENTATION IN TO TWC.

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What if the individual who filed a TWC unemployment claim is eligible for regular unemployment benefits, can they also get DUA benefits due to Harvey?

An individual is not eligible for DUA benefits until their regular unemployment benefits run out.

What if the individual's regular unemployment benefits run out (before the end of the Disaster Assistance Period) AND that individual then wants to receive DUA benefits?

The individual MUST have had a DUA claim on file before the TWC claim filing deadline (of September 27, 2017). Deadline has been extended to October 31, 2017.

Unless they have a piece of paper from the TWC website stating that they have successfully filed a DUA claim dated before the deadline, the individual MUST call the TWC telecenter to make their DUA claim over the phone BEFORE the claims filing deadline.

This will clearly be before the individual exhausts their regular unemployment benefits.

Will the September 27, 2017 deadline be extended? (Deadline has been extended to 10-31)

The Department of Labor (DOL) must extend the deadline. TWC cannot do it but has asked the DOL to do so. The DOL may or may not extend. If DOL extends, TWC will issue a press release. Individuals should not assume it will be extended.

What is the Disaster Assistance Period?

The Disaster Assistance Period is the length of time that DUA benefits will be provided. The Disaster Assistance Period runs from the disaster declaration to February 24, 2018.

II. DUA ISSUES FOR THE SELF-EMPLOYED (ARTISTS):

What constitutes "unable to work because of the disaster" for an artist?

With employees, it is relatively clear when an individual can't work - the store/office is closed, the boss says don't come in, etc. and there is no paycheck. Artists, however, don't have regular hours or paychecks. The usual responses may not apply.

For example, if an artist can work to produce their art (inventory) at their studio (or at home) because they incurred no actual physical damages from Harvey, but if they can't sell it because no one is buying art in the wake of the disaster or if sales opportunities have dried up due to the disaster (art markets cancelled, etc.), then that artist has very arguably suffered loss of income.

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The artist would need to thoroughly explain on the application why their sales are impacted due to the disaster. But as far as proving an amount, Ms. Warren indicated that the artists' weekly benefit amount would be based upon their 2016 tax return and schedules, subject to TWC minimums and maximums.

There are other situations not addressed by Ms. Warren, in which an artist is unable to work: for example, canceling of a musician's gig or an art teacher's class. Each situation must be clearly explained to TWC and demonstrate how the artist's income decreased because of Harvey.

TWC requires that the worker (artist) report every two weeks whether they have returned to work FULL TIME. How is this answered by the artist who has never stopped producing art at the rate s/he did before the disaster, but is prevented by the disaster from selling their art?

Ms. Warren said that artists (self-employed individuals) need to "report to TWC whether they are able to return to work at the income level they were at before the disaster."