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Department
of Labor

DISASTER UNEMPLOYMENT ASSISTANCE (DUA) FOR HURRICANE IDA

Disaster Unemployment Assistance (DUA) provides temporary benefits to individuals whose employment or self-employment has been lost or interrupted as a direct result of a major disaster and who are not eligible for regular unemployment insurance (UI). Direct result means loss of employment or self-employment because of the major disaster itself and not the result of a longer chain of events caused or worsened by the disaster. Individuals who are eligible for regular UI benefits under any state or federal law are ineligible for DUA benefits. The New York State Department of Labor (NYS DOL) must review eligibility for UI before a claimant can be deemed eligible for DUA benefits.

The U.S. Department of Labor oversees the DUA program and coordinates with the Federal Emergency Management Agency (FEMA) of the Department of Homeland Security. While it is part of the federal disaster assistance process, this program is administered by NYS DOL. DUA benefits supplement New York's existing UI system and expands eligibility to include individuals who might otherwise not be covered.

Beginning October 20, 2021 through November 18, 2021, DUA is available to New Yorkers in nine New York Counties – Bronx, Dutchess, Kings, Nassau, Queens, Richmond, Rockland, Suffolk, and Westchester Counties – who (1) lost employment as a direct result of Hurricane Ida and (2) live or work in an impacted county.

Q: What is considered a “Major Disaster”?

A: “Major Disaster” means any natural catastrophe (such as a hurricane, tornado, earthquake, snowstorm flood, etc.) or other types of disasters (such as an explosion, natural gas leak, etc.) that result in a Presidential declaration of a disaster. A Presidential declaration is made when it is determined that governmental assistance is needed for communities and individuals directly affected by a disaster. DUA becomes available when the declaration is for “individual assistance including DUA.”

Q: Who is currently eligible for DUA benefits?

A: To be eligible for DUA benefits, one must work or live in one of the federally declared counties (Bronx, Dutchess, Kings, Nassau, Queens, Richmond, Rockland, Suffolk, and Westchester Counties) and have lost employment directly due to Hurricane Ida.

One of the following conditions of unemployment must have occurred as a direct result of Hurricane Ida to qualify for DUA:

1. The individual has had a week of unemployment following the date the major disaster began;
2. The individual is unable to reach their place of employment;
3. The individual was scheduled to start work and the job no longer exists or the individual was unable to reach the job;
4. The individual became the breadwinner or major support because the head of the household died as a direct result of the disaster; or
5. The individual cannot work because of an injury caused as a direct result of the disaster.

To be eligible for DUA, individuals who meet one of the qualifying conditions above **must also meet all** the following eligibility requirements:

1. The individual is not eligible for regular UI;
2. The individual is unemployed as a direct result of the disaster;
3. The individual is able and available for work, unless injured as a direct result of the disaster;
4. The individual filed an application for DUA within 30 days of the date of the public announcement of the availability of DUA; and
5. The individual has not refused an offer of employment in a suitable position.

Self-employed individuals who meet the criteria may be eligible for DUA benefits.

Q: How can eligible individuals apply for DUA benefits?

A: Before an individual can be deemed eligible for DUA, NYS DOL must establish that the individual is otherwise not eligible for regular UI benefits under any state or federal law. As such, individuals must first apply for UI benefits **over the phone**. To begin this process, individuals can call **866-642-7227** and answer the questions to indicate that their employment was negatively impacted by Hurricane Ida.

After submitting an unemployment application over the phone, if an individual is determined ineligible for regular UI benefits, a NYS DOL agent will call the applicant to finalize the DUA application. If an agent cannot reach the applicant over the phone, the DUA application will be sent to the individual through the mail.

Please note: This phone number is only for individuals impacted by the Hurricane Ida disaster. Individuals who are not impacted by this disaster or who are inquiring about other benefit programs will not be assisted through this phone number.

The deadline for filing for DUA benefits is November 18, 2021 (30 days from the announcement of the availability of this program.) DUA claims filed after the deadline may be ineligible for payment.

Q: What information must I provide when applying for UI or DUA benefits?

Applicants must provide proof (e.g., income tax return, bank statements) to document employment or self-employment or to document work that was to begin on or after the date of the disaster. If proof of employment cannot be provided at the time the claim is filed, individuals have 21 calendar days from the time the claim was filed to meet this requirement. Failure to submit this documentation within the 21 days will result in a denial of DUA, and any benefits already paid will be considered overpaid. Individuals are required to repay any benefits overpaid. There is no waiver process for DUA benefits.

When applying for DUA, New Yorkers must also provide information about:

- How they lost their job or source of household income;
- When they lost their job or source of household income; and
- Where they live or where their job was located.

Per FEMA, applicants who do not supply the above information will not be approved for DUA benefits.

Q: Do I have to live and work in an impacted county to be eligible for DUA?

A: No. Individuals may be eligible for DUA if (1) they lost employment due to Hurricane Ida and (2) work or live in Bronx, Dutchess, Kings, Nassau, Queens, Richmond, Rockland, Suffolk, and Westchester Counties.

Q: I was receiving benefits through PUA or another federal program. Am I eligible for DUA?

A: DUA provides temporary benefits to individuals whose employment or self-employment has been lost or interrupted as a direct result of a major disaster. Individuals who are eligible for regular unemployment insurance (UI) are not eligible for DUA. The DUA program is not connected to the PUA program, and eligibility for PUA does not impact an individual's eligibility for DUA.

Q: What is the timing for applying for and receiving benefits through the DUA program?

A: Individuals may begin applying for DUA benefits on October 19, 2021. The deadline for filing for DUA benefits is November 18, 2021. DUA claims filed after the deadline may be ineligible for payment.

After applying for DUA benefits, New Yorkers will receive a determination of benefits letter for UI benefits and a determination letter for DUA benefits, if deemed eligible for the program.

Due to a high volume of UI claims, DUA claims may take up to 2-3 weeks to be processed and paid. To avoid delays, applicants should have all the information detailed at dol.ny.gov/unemployment/file-your-first-claim-benefits#how-to-file before filing, as well information explaining:

- How they lost their job or source of household income;
- When they lost their job or source of household income; and
- Where they live or where their job was located.

The last payable week for DUA for the Major Disaster Declaration for the remnants of Hurricane Ida is March 13, 2022.

Q: How much will I receive in weekly DUA benefits if deemed eligible?

A: If an individual is not self-employed, the benefit amount is based on the gross wages of the individual. If the individual is self-employed, the weekly benefit amount will be based on the net earnings (income) from self-employment. Generally, benefits are calculated using the same formula used for state UI benefits; however, if the individual qualifies for less than \$172 (50 percent of New York's average UI weekly benefit amount), a claimant's rate will be increased to \$172 with certain exceptions for part-time workers.

Q: What is the basis for disqualification or termination of DUA benefits?

A: An individual can be disqualified for DUA benefits or DUA benefits can be terminated if any of the following occur:

1. The individual becomes employed, and the earnings exceed the weekly benefit amount allowed under the state's law;
2. The individual refuses to accept suitable employment without good cause;
3. The individual refuses to accept a referral to suitable employment without good cause;
4. The individual is not able or available for work (unless the inability is due to an injury caused as a direct result of the disaster);
5. The individual is not available for work, unless the unavailability is due to the individual's preparations to resume self-employment; or
6. The individual is no longer unemployed as a direct result of the disaster.

Any denial of DUA benefits may be appealed. Individuals must file the appeal within 60 days of the date the determination was issued.