

**ALASKA DEPARTMENT OF LABOR
AND WORKFORCE DEVELOPMENT**

BENEFIT RIGHTS AND RESPONSIBILITIES HANDBOOK

**DISASTER
UNEMPLOYMENT
ASSISTANCE**

DUA

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and Training Services**

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COVER PHOTO: This photo provided by the U.S. Coast Guard shows the aftermath of a landslide on Nov. 21, 2023, in Wrangell. (U.S. Coast Guard file photo via Associated Press)

The following information provides general information concerning your rights and responsibilities while filing for Disaster Unemployment Assistance (DUA). The explanations included in the handbook are intended to help you understand the benefit provisions of the DUA program.

Do not rely on advice from friends or relatives. If you do not understand something or have a problem with your claim that does not appear to be covered in this handbook, contact the Alaska Department of Labor and Workforce Development (DOLWD) at (907) 269-4700 or toll free for remote locates (888)-252-2557.

Due to the Privacy Act, the Alaska DOLWD staff cannot discuss your claim with anyone other than you. This includes your wife/husband, mother, father, or other family members.

WHAT IS DISASTER UNEMPLOYMENT ASSISTANCE?

The Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act) (42 U.S.C. §5177) authorizes the Disaster Unemployment Assistance (DUA) program. The purpose of the program is to provide payment and reemployment assistance to individuals who are unemployed as a direct result of a major disaster.

DUA claims are only taken after the President of the United States, through the Federal Emergency Management Agency (FEMA), declares specific areas of the State as disaster areas and authorizes Individual Assistance to individuals working in the disaster areas. DUA funding is provided by FEMA and does not come from employer payroll taxes.

DEFINITION OF A MAJOR DISASTER

A “major disaster” means any natural disaster (including a hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, earthquake, drought, ice conditions, or other catastrophe) declared by the President of the

United States and that warrants federal government assistance to communities and individuals. After the President makes the declaration and defines the disaster area, if DUA benefits are made available, the Alaska DOLWD will announce the DUA filing period for the affected areas and issue filing instructions for DUA applications through the news media.

Severe Storm, Landslides, and Mudslides

On March 15, 2024, the President authorized major disaster declaration FEMA 4763-DR for the State of Alaska due to the landslide that occurred on November 20, 2023. This declaration authorized Individual Assistance, including DUA, for the jurisdictions of Wrangell Cooperative Association. On April 9, 2024, the Alaska DOLWD announced the availability of DUA.

DEADLINE TO APPLY FOR DUA BENEFITS

The deadline for filing an application for DUA for unemployed workers or self-employed individuals who were employed or were to commence employment in Wrangell Cooperation Association is **May 9, 2024**.

DURATION OF BENEFITS

The Disaster Assistance Period (DAP) begins with the first week following the date the major disaster began. During the DAP, DUA is available to eligible individuals as long as their unemployment that was caused by the disaster continues or until they are reemployed in a suitable position, but no longer than 42 weeks after the major disaster is declared. An applicant’s continued eligibility for benefits is determined on a week-to-week basis and individuals must file weekly claims to receive payment. (See 20 CFR 625.2(f) & 625.7)

DUA benefits for individuals affected by the Wrangell landslide are available starting with the week ending December 2, 2023, and can be paid up to week ending September 14, 2024, if the individual remains eligible.

WHO MAY BE ELIGIBLE FOR DISASTER UNEMPLOYMENT ASSISTANCE?

DUA is available to unemployed workers or self-employed individuals who were employed or were to commence employment in the major disaster area when the major disaster occurred. Individuals who cannot work because of an injury caused as a direct result of the major disaster or have become the breadwinner or major support because the head of household has died as a direct result of the major disaster may also be eligible for DUA benefits. (See 20 CFR 625.4 & 625.5)

I AM NOT A UNITED STATES CITIZEN, AM I ELIGIBLE FOR DUA BENEFITS?

DUA is only available to U.S. Citizens or U.S. non-citizen nationals, or qualified aliens under the U.S. Immigration and Nationality Act (INA). Individuals who wish to receive DUA benefits must provide proof of identity and demonstrate their status as U.S. citizens, U.S. nationals, or qualified aliens. This is irrespective of territory law eligibility criteria for regular unemployment benefits. Qualified aliens include:

- Legal permanent resident (“green card” holder)
- An asylee, refugee, or an alien whose deportation is being withheld
- Alien paroled into the U.S. for at least one year
- Alien granted conditional entry (per law in effect prior to April 1, 1980)
- Cuban/Haitian entrant
- Aliens in the U.S. who have been abused, subject to battery or extreme cruelty by a spouse or other family/household member, or have been a victim of a severe form of human trafficking
- Aliens whose children have been abused and alien children whose parent has been abused who fit certain criteria

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 date Alaska DOLWD announced DUA availability.
- Your unemployment or inability to perform services as a self-employed individual must have been caused as a direct result of the major disaster declared by the President of the United States;
- Your principal source of income must have been generated from your employment or self-employment;
- You do not qualify for regular unemployment benefits from any state; and
- You must present documented proof that you were employed or self-employed at the time of the major disaster within 21 calendar days from the date of filing the DUA claim. Proof of employment or self-employment at the time of the disaster can include check/pay stubs, payroll records, bank statements, or work orders/ledgers. Self-employed individuals should also provide their tax return for the last completed tax year prior to the disaster. If proof is not submitted within 21 calendar days, DUA will be denied and an overpayment may result (See 20 CFR 625.6 (e)).

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 in order to qualify for DUA:

- You no longer have a job/work, or
- You are unable to reach your place of employment or self-employment, or
- You were scheduled to begin employment in a new job, but that work is now unavailable or you cannot reach the new job, or
- You have become the breadwinner or major support of your family because the head of household died in the disaster, or
- You cannot work because of an injury caused by the disaster, or

- Your work hours have been reduced as a direct result of the major disaster.

HOW DO I KNOW IF I AM ELIGIBLE FOR BENEFITS?

Benefits can only be paid to you if you meet all the federal requirements under the DUA program. A Notice of Entitlement/Eligibility Determination will be issued advising you of your Weekly Assistance Amount (WAA) if you meet the eligibility requirements of the DUA program. If you do not meet the eligibility requirements of the DUA program, the Notice of Entitlement/Eligibility Determination will explain why you are not eligible for DUA (See 20 CFR 625.4 & 625.9)

WHAT IF I DISAGREE?

If you disagree with the determination, you have the right to request a reconsideration of the determination and you may also file an appeal. Your appeal or request for reconsideration must be in writing on a DOLWD form or by letter and filed in-person or by mail. You must state the reasons you disagree with the determination denying DUA. If you request a reconsideration of the denial, the Alaska DOLWD will review its prior determination and consider any new information you provide. A request for reconsideration must be submitted within 30 calendar days from the date of the determination of denial. If you disagree with the reconsideration determination you may file an appeal, and a telephone hearing will be scheduled with an appeals referee. You may appeal any written determinations that denies or restricts your DUA benefits. You must phone, fax or email your request for an appeal to your nearest claim center or Appeals office within 60 calendar days of the decision (see 20 CFR 625.10). The DOLWD will send you information on the hearings process.

COMPUTATION OF WEEKLY ASSISTANCE AMOUNT

In Alaska, the amount of DUA payable to an unemployed worker or unemployed self-employed individual for a week of total unemployment is determined based on the

average of the payments of regular compensation made under all State unemployment compensation laws for weeks of total unemployment in the first four of the last five completed calendar quarters immediately preceding the quarter in which the major disaster began. (See Title 20 CFR 625.6(c)).

For the Wrangell Severe Storm, Landslide and Mudslide, the DUA Weekly Assistance Amount (WAA) is a maximum of \$370.

WHAT IF I CANNOT PROVIDE THE NECESSARY DOCUMENTATION SHOWING I WAS EMPLOYED OR SELF-EMPLOYED AT THE TIME OF THE DISASTER?

To receive DUA, individuals must provide all required documentation within 21 days from the day the claim was filed that provides evidence of their employment or self-employment or work that was to commence at the time of the disaster. If you fail to substantiate any evidence of your self-employment and income, your DUA claim may be re-determined to be invalid, and you will be liable for any overpaid benefits. If it is determined that you made false statements to collect DUA, you will be subject to administrative penalties and may be prosecuted for fraud.

REGISTERING FOR WORK

Except for partially unemployed and self-employed individuals, you must register for work with the Alaska Workforce Investment Agency Division within seven days after you apply for DUA benefits.

If you are in Alaska and you are instructed to register for work, **you must register for work and post a resumé online on AlaskaJobs.** If you have already posted your resumé in AlaskaJobs, you must make sure it is current and accessible online. You must have a resumé posted online in AlaskaJobs within seven days of filing your new or reopened claim. It is your responsibility to check your resumé often and verify the date your registration will inactivate on the "My Resumés" page in AlaskaJobs.

If you are a member of a dispatching union, you must be in good standing and on the out-of-work list.

To register for work in AlaskaJobs go online to **jobs.alaska.gov** or call your nearest job center.

WEEKLY DUA CLAIMS

Weekly DUA claims must be filed timely and in accordance with the instructions and forms provided to you by the Alaska DOLWD Division of Employment and Training Services.

DUA is paid on a calendar week basis in Alaska. Your weekly claim for benefits must be filed within the seven-day period immediately following the Saturday date of the week you are claiming. All weekly claims for assistance must be signed, dated and postmarked or received by the DOLWD after the Saturday of the week you are claiming. Any weekly request for assistance that is not signed, dated or mailed prior to the Saturday of the week being claimed is considered to be untimely and payment for the week may be denied.

You must be able and available for work, unless you are unable to work due to an injury that is a direct result of the disaster, or you are unable to reach your place of employment as a direct result of the disaster. You are required to make at least two (2) job contacts per week. If you performed any work for any employer, you must report wages when earned (not when paid) for each week claimed. If you are a self-employed individual, you must report gross income when paid (regardless of when earned) for each week claimed.

You may file weekly claims in person. If you mail your claim forms, you must enclose them in an envelope with the correct amount of first-class postage. No mail will be accepted without sufficient postage.

REDUCTION OF DUA BENEFITS

The weekly assistance amount payable to you will be reduced by wages or income that you have received for a week or will receive for a week based on the following criteria:

- Gross income in excess of \$50 earned in an employer-employee relationship whether paid or not. For self-employed individuals, gross income in excess of \$50 received during the week for the performance of services in self-employment, regardless of whether or not any services were performed during the week.
- Any benefits or insurance from any source not defined as “compensation” under DUA regulation for the loss of wages due to illness or disability; such as private income protection insurance, etc.
- Workers compensation by virtue of the death of the head of household as a result of the major disaster in the major disaster area if the individual has become the head of the household and is seeking suitable work.
- Supplemental unemployment benefits (SUB) pursuant to a collective bargaining agreement.
- Private income protection insurance, by the amount the individual has received, is receiving, or would be receiving if an insurance claim was filed.
- Any public or private retirement pension or annuity.

Any week claimed in which an individual reports gross earnings of less than the weekly assistance amount, they will be considered partially unemployed. The first \$50 of reported gross earnings will not reduce the DUA WAA. Any amount over \$50 of gross earnings reported will reduce the DUA WAA. If the weekly assistance amount of gross earnings is reported, the individual will be considered fully employed and no benefits will be paid.

ARE MY BENEFITS TAXABLE?

DUA benefits are subject to federal income taxes. Alaska DOLWD will provide you with a 1099 form for the prior calendar year showing the amount of DUA payments you received.

WHAT IF I AM OVERPAID?

Occasionally an individual may receive benefits to which they are not entitled, causing an overpayment. You will be notified in writing if it is determined that you have been overpaid. If a

DUA overpayment is established, you will be responsible to repay the DUA amount that was overpaid. (See 20 CFR 625.14)

who lost work or self-employment as a direct result of the disaster may apply for DUA by mail or by phone at 907-269-4700 or toll free 888-252-2557.

WHAT ARE MY RESPONSIBILITIES?

You are responsible for reading the information provided in the handbook.

You are responsible for any information you furnish for the purpose of claiming financial assistance under the DUA program. All information is subject to verification to ensure all information furnished is complete and correct.

If you willingly make a false statement or conceal information to receive DUA, you are subject to criminal prosecution and penalties under Alaska and/or Federal Law. In addition, you will be liable for repayment of any DUA payments that are determined to be overpaid made as a result of such concealed information or false statement(s).

**Alaska Department of Labor
and Workforce Development**
Division of Employment and Training Services
ATTN: UI Support
P.O. Box 115509
Juneau, AK 99811-5509

To receive DUA, individuals must provide all required documentation within 21 days from the day the claim was filed that provides evidence of their employment or self-employment or work that was to commence at the time of the disaster.



We are an equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities.

WHY MUST I PROVIDE DOCUMENTATION AND PROOF OF MY SOCIAL SECURITY NUMBER?

Information requested for use by the Alaska DOLWD, Employment Security Services is authorized under Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act) (42 U.S.C. §5177). All information furnished will be kept confidential, except to the extent that release of such information is authorized in processing your claim and will not be released or used for any purpose other than for establishing your DUA eligibility and to ensure that benefits have been properly paid.

HOW AND WHERE CAN I APPLY FOR DUA?

Individuals affected by the flooding in the jurisdiction of Wrangell Cooperative Association