

*Updated October 13, 2017*

# Disaster Unemployment Assistance: How Workers Can Access the Program After Hurricane Harvey

## What is Disaster Unemployment Assistance (DUA)?

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Disaster Unemployment Assistance (DUA), also referred to as Disaster Relief and Emergency Assistance, is a federal program that provides temporary financial assistance to individuals unemployed as a result of a “major disaster” declared by the president.

As of August 25, 2017, a major disaster was declared due to Hurricane Harvey in these 18 counties in Texas: Aransas, Bee, Brazoria, Calhoun, Chambers, Fort Bend, Galveston, Goliad, Harris, Jackson, Kleberg, Liberty, Matagorda, Nueces, Refugio, San Patricio, Victoria, and Wharton.

On August 30<sup>th</sup>, the following 11 counties in Texas were added to the major disaster declaration: Colorado, Fayette, Hardin, Jasper, Jefferson, Montgomery, Newton, Orange, Sabine, San Jacinto, and Waller.

On September 5<sup>th</sup>, another 10 counties in Texas were added to the declaration: Austin, Bastrop, DeWitt, Gonzales, Karnes, Lavaca, Lee, Polk, Tyler, and Walker.

On September 20<sup>th</sup>, the Texas Workforce Commission, which administers the DUA and Unemployment Insurance programs in the state, [announced that the normal 30-day deadline for filing DUA applications has been extended to October 31<sup>st</sup> for the 39 counties listed above.](#)

On October 12<sup>th</sup>, two additional counties – Caldwell and Grime – were added to the Harvey major disaster declaration. The DUA application **deadline in those two counties is November 13<sup>th</sup>.**

Altogether, DUA benefits are available to workers in the 41 Texas counties listed below.

(Note: A major disaster due to Hurricane Harvey was not declared for Louisiana.) For a current list of the states and counties, see FEMA’s website (<http://www.fema.gov/disasters>).

### Texas Counties Impacted by Hurricane Harvey

Aransas, Austin, Bastrop, Bee, Brazoria, Caldwell, Calhoun, Chambers, Colorado, DeWitt, Fayette, Fort Bend, Galveston, Goliad, Gonzales, Grime, Hardin, Harris, Jackson, Jasper,

Jefferson, Karnes, Kleberg, Lavaca, Lee, Liberty, Matagorda, Montgomery, Newton, Nueces, Orange, Polk, Refugio, Sabine, San Jacinto, San Patricio, Tyler, Victoria, Walker, Waller, Wharton.

## What are the Basic Eligibility Requirements for DUA?

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There are two major requirements for an individual to qualify for DUA: 1) The individual must be out of work as a “direct result” of a major disaster; and 2) The individual does not qualify for regular unemployment insurance (UI) from any state. Once found to be eligible for DUA, workers must actively look for work and accept suitable work offered them, not unlike UI recipients. In addition, the individual must show that for every week he or she is collecting DUA, his or her unemployment continues to be the direct result of the disaster, not other factors.

## How Much Are DUA Benefit Payments?

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Like UI benefits, DUA benefits are paid weekly, once an application is completed, filed and processed. DUA recipients receive the same weekly benefits that they would have been entitled to had they qualified for UI in the state where they were employed. However, at a minimum, DUA benefits cannot be less than one-half of the state’s average weekly UI benefits (see the state maximum and minimum DUA benefit levels below).

The DUA benefits for part-time workers are pro-rated based on the hours they worked as a percent of a 40-hour work week. Note that DUA benefits are reduced by any other wage-loss compensation, including private insurance, Supplemental Unemployment Benefits, worker’s compensation, and a pro-rated amount of a retirement pension or annuity.

Texas	\$203 Minimum Weekly DUA Benefit/\$493 Maximum
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## How Long Will an Individual’s DUA Benefits Last?

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The maximum duration of DUA benefits is 26 weeks. However, an individual’s benefits cannot extend beyond the period when the disaster officially ends, which is six months from the date the federal disaster was declared. In the case of Texas, that means the DUA benefits cannot extend beyond February 2018 (unless the deadline is extended by Congress). In addition, the DUA benefits cannot extend beyond when the recipient returns to work or self-employment or beyond the period when the individual’s unemployment is no longer directly related to the disaster.

## What are Some Major Examples of Individuals Who Can Collect DUA?

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Those who may be eligible for DUA and typically could not collect regular state UI benefits include:

- Self-employed people who lost their business or suffered a substantial interruption of activities as a direct result of a major disaster;

- Workers whose place of employment was damaged due to the disaster and work is not available;
- Workers who cannot reach their employment as a result of the disaster;
- Workers unemployed as a result of an injury caused as a direct result of the disaster;
- People who are scheduled to start work but became unemployed because they no longer have a job as a direct result of a disaster.

## **Are Workers Who Did Not Work in the Disaster Area Also Eligible for DUA if Their Unemployment Was Still Directly Caused by the Disaster?**

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There are limited situations where workers outside the disaster area can qualify for DUA if they were laid off due to their employer's loss of substantial revenue from contracts with businesses located in the disaster area. However, according to the federal regulations, the employer or self-employed individual must have received at least a "majority of its revenue or income from an entity that was either damaged or destroyed in the disaster." In addition, the individual must continually establish that his or her unemployment remains directly related to the major disaster.

## **What Are the Deadlines to Apply for DUA?**

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To qualify for DUA, individuals must normally apply no later than 30 days after the availability of DUA was officially announced by the state. **As of September 20<sup>th</sup>, the deadline for DUA applications in the initial 39 Texas counties in which DUA is available was [extended to October 31<sup>st</sup>](#). The deadline in the later-announced counties of Caldwell and Grime is November 13<sup>th</sup>.** Late applications can be accepted, but only if "good cause" is shown for the late filing. However, under no circumstances can DUA applications be accepted after the disaster period ends. (In special circumstances, the U.S. Department of Labor has extended the 30-day deadline to file DUA benefits.)

## **What Information is Necessary to Verify an Applicant's Work and Earnings?**

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The DUA application requires proof of employment and earnings, as well as a Social Security Number. The proof of employment is due no later than 21 days after the application is filed with the state. For self-employed applicants, copies of tax returns are required as proof of income and self-employment. If verification of employment or other documents requested as part of the DUA application are not available, a sworn statement including other forms of verification can be submitted. Interim DUA payments can take place while the necessary documentation is gathered. However, the failure to submit the required documentation on time may result in a benefit overpayment which can later be recovered from the individual by the state. (In special circumstances, the U.S. Department of Labor has extended the 21-day deadline to provide the necessary employment and earnings information.)

## **Where Can an Individual Apply for DUA?**

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Each state may process DUA somewhat differently. Most states will process applications by telephone, as part of their automated claims-taking process for regular state UI benefits, and online via the Internet. For the latest information on how to file for DUA as a result of

Hurricane Harvey, we recommend that individuals regularly check the Texas unemployment insurance agency website listed below.

Texas	Website: <a href="http://www.twc.state.tx.us/">http://www.twc.state.tx.us/</a>
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## Are agricultural workers eligible for state unemployment benefits?

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Yes, many farmworkers are eligible for state unemployment benefits. In Florida, agricultural employers who have more than 5 employees over a period of 20 weeks, or paid \$10,000 in wages in a calendar quarter must cover their workers. In Texas, workers are covered if the farm employs 3 or more workers in at least 20 weeks, or paid at least \$6,250 in wages during a calendar quarter. If a farmworker does not qualify for state unemployment insurance (UI) benefits due to failing to meet the state UI earnings requirement, the farmworker may qualify for Disaster Unemployment Assistance (DUA).

## Are immigrant workers eligible for state unemployment benefits and federally-funded Disaster Unemployment Assistance?

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Generally, workers who have work authorization both at the time that they were working and while they collect benefits may qualify for regular state unemployment benefits and DUA.

Individuals who are not U.S. citizens must present documentation supporting their immigration status, and the State UI agency must verify their status through a government process called Systematic Alien Verification for Entitlement Program (SAVE), administered by US Citizenship and Immigration Services (CIS).

## What Additional Services and Resources Are Available to Workers and Families Impacted by Hurricane Harvey?

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In addition to DUA, the federal government is funding a range of services for workers and families impacted by Hurricane Harvey.

- Information about Disaster Food Assistance Programs, including Disaster SNAP (food stamps), is available at the Department of Agriculture's Food and Nutrition Service website (<https://www.fns.usda.gov/disaster/disaster-assistance>). In Texas, see <https://hhs.texas.gov/services/financial/disaster-assistance/disaster-snap>.
- For more information on federally-funded services in your area, refer to FEMA's Federal Disaster Assistance website (<https://www.disasterassistance.gov/>).
- For more information on workforce programs and labor protections, refer to the U.S. Department of Labor's Severe Storm and Flood Recovery Assistance website page (<https://www.dol.gov/general/stormrecovery>).
- Information on availability of disaster assistance for non-citizens and mixed-status families is available on FEMA's website (<https://www.fema.gov/news-release/2015/06/29/frequently-asked-questions-disaster-assistance-noncitizens>).
- Information on eligibility of disaster assistance for families with members who are not U.S. citizens is also available from the National Immigration Law Center ([https://www.nilc.org/wp-content/uploads/2015/11/disasterassist\\_immeligibility\\_2007-062.pdf](https://www.nilc.org/wp-content/uploads/2015/11/disasterassist_immeligibility_2007-062.pdf)).

**Related publications**

Fact Sheet: [Responding at the Federal and State Levels to the Needs of Unemployed Families Resulting from Hurricanes Harvey and Irma](#)

Fact Sheet: [Disaster Unemployment Assistance: How Workers Can Access the Program After Hurricane Irma](#)

*The National Employment Law Project is a non-profit organization that advocates for unemployed workers. The information provided with this fact sheet is based on the best resources we have available on the DUA program. However, it should not be relied upon as source of official government information on the DUA program.*