

Disaster Unemployment Assistance



Montana Department of
LABOR & INDUSTRY

Disaster Unemployment Assistance (DUA) is a federally funded program administered by the United States Department of Labor and State Workforce Agencies under the Disaster Relief and Emergency Assistance Act of 1974, as amended by the Robert T. Stafford Disaster Relief and Emergency Act of 1988.

DUA provides temporary financial assistance and employment services to jobless workers and self-employed individuals when they are unemployed as a direct result of a major disaster and are not eligible for any other type of state or federal unemployment assistance, e.g., regular unemployment insurance when payable.

A “major disaster” means any natural catastrophe (including hurricane, tornado, storm, flood, high water, wind-driven water or tidal wave, earthquake, snowstorm, drought, fire, or other catastrophe) that results in a Presidential Disaster Declaration.

When a major disaster occurs, the Governor of a state may request a Presidential Disaster Declaration which defines the areas affected and makes U.S. federal funding available for emergency relief, including DUA if warranted. **Disaster Unemployment Assistance (DUA)** is money or direct assistance to individuals, families, and businesses that were directly affected by the disaster. If DUA is approved, Montana Department of Labor & Industry issues an announcement in a newspaper of general circulation or other news and social media platforms. The announcement includes the counties affected by the disaster, the DUA filing deadline date, and instructions for filing DUA claims.

The Montana Department of Labor & Industry is responsible for receiving DUA claim applications, determining eligibility, and paying DUA benefits.

Applications for DUA benefits must be filed within 30 days of the public announcement issued by the Department.

DUA Qualifications

To qualify for DUA, your unemployment or inability to perform services must be a direct result of a major disaster. You must have faced one of the following conditions of unemployment as a direct result of the disaster:

- Reside in, work in, or travel through the major disaster area to get to or from work
- Unemployed for at least a week following the date the major disaster occurred
- Unable to reach your place of employment
- Scheduled to start work and the job no longer exists, or you were unable to reach the job
- Became the major support because the head of household died as a result of the major disaster
- Lost the majority of income or revenue because the employer or self-employed business was damaged, destroyed, or closed by the federal government
- Unable to work due to injury suffered as a direct result of the disaster

This information is provided to help you understand the requirements of the DUA program. You are responsible to make sure you understand its content. If you have any questions, contact Montana Department of Labor & Industry at 406-444-3454.

Application Process

You are required to provide truthful and complete information to the Montana Department of Labor & Industry when claiming benefits.

- All information may be verified.
- If you willingly make a false statement or conceal information regarding your right to receive assistance, you are subject to any applicable criminal prosecution and penalties under state and/or federal law.
- You may be disqualified from receiving DUA benefits and will be liable for repayment of any benefits you were not eligible to receive.

Filing for DUA benefits:

1. File a regular unemployment insurance claim and receive a determination of eligibility.
 - DUA benefits are for people who do not have the option of receiving another form of unemployment insurance (UI). It is not a substitute for regular UI.

Filing for DUA benefits cont.,

- Your eligibility for DUA will only be determined if you exhaust or otherwise become ineligible for regular UI during the disaster period.
2. File an Initial Application for DUA within 30 days of the date the Montana Department of Labor & Industry announces the availability of DUA by calling 406-444-3454.
 3. Submit proof of employment and wages within 21 calendar days of beginning a DUA claim by sending one of the following documents:
 - Property titles or deed for the place of business
 - State/Federal Income Tax Returns showing proof of income
 - Rental agreement or letter from property owner showing the most recent occupancy dates or scheduled occupancy dates to open a business at the time of the disaster
 - State tax registration, recent sales tax return, phone and utility or insurance bills
 - Check stubs and/or W-2s are proof of employment
 - Self-employed individuals must provide their tax return for the most recently completed tax year

If proof is not submitted timely, DUA will be denied until the necessary documents are received.

DUA Claim Determinations

The Montana Department of Labor & Industry will review your application for DUA benefits and make a decision regarding your benefit amount eligibility. It will advise you of your weekly benefit amount (WBA). If you have questions concerning how the weekly benefit amount was calculated contact Montana Department of Labor & Industry.

NOTE: If an adjustment to your WBA occurs it could result in additional payments or an overpayment on any benefits you have already received. An overpayment is established when the Montana Department of Labor & Industry determines you were paid benefits you were not eligible to receive. You will be required to repay the overpayment (see **Overpayments** for more information).

Duration of Benefits

DUA is only payable during the disaster assistance period, which begins with the first Sunday following the date the major disaster is declared by the President. The maximum number of weeks for DUA is 27 weeks.

Appeal Rights and Process

If you do not agree with a decision made by the Montana Department of Labor & Industry regarding your DUA claim, you have the right to file a timely redetermination within ten (10) days of the initial decision.

If you disagree with the redetermination decision, you may file an appeal to the Office of Administrative Hearings (OAH) within sixty (60) days of the redetermination decision.

If you disagree with the decision released by OAH, you may submit your request for review by the USDOL Regional Administrator (RA) within fifteen (15) days of the OAH decision.

The RA will release a decision no later than ninety (90) days from the date the redetermination was filed with the Montana Department of Labor & Industry. You may submit your written appeal request to the Montana Department of Labor & Industry, PO Box 8020, Helena, MT 59604 or by faxing the request to 406-444-2699.

You must file your appeal timely, include your first name, last name, and your Individual ID number on all correspondence related to your appeal.

Continue filing your weekly claims each week throughout the redetermination and appeal processes. If the appeal decision is in your favor, you will receive payment for every week you are eligible and have claimed your weekly benefits.

Requesting Your Payments

After you file your regular UI claim and complete your DUA application, you will receive biweekly certification questions in the mail to request payment. These must be completed and returned timely to the Montana Department of Labor & Industry.

Reporting Income

When filing for unemployment benefits, you must report all forms of income to the Montana Department of Labor & Industry including weekly earnings. Questions regarding all types of earnings need to be reported when you complete your biweekly payment request.

Failure to report income may be considered fraud and will result in your having to repay any overpayment of benefits.

Benefit Payment Deductions

Your weekly payments may be reduced due to the following:

- **Earnings:** Report all earnings the week you performed the work not the week you received payment.

Benefit Payment Deductions cont.,

- **Retirement Income:** If you are receiving a monthly pension from an employer whose wages were used to establish your claim
- **Child Support Obligations:** A deduction from your weekly benefit payment of 50 percent
- **Repayment of an Overpayment:** An overpayment of unemployment benefits
- **Certain Types of Insurance Payments:** Any compensation or insurance from any source for loss of wages due to the disaster

Payment Methods

Direct Deposit

You can sign up for direct deposit through your account on Montanaworks.gov, you will need to have your account number and routing number available when you are signing in.

Check

If you do not sign up for direct deposit, a check is mailed to the address you provided the agency.

Federal Tax Withholdings

DUA benefits are taxable under federal law. Federal taxes are deducted at 10%, this option is available at MontanaWorks.gov or in the documents sent to you.

Every January, Montana Department of Labor & Industry mails the IRS 1099-G form showing the amount of benefits paid in the prior calendar year. Make sure to update your address on Montanaworks.gov to ensure you receive the 1099-G. You may also view and print your 1099-G at

Montanaworks.gov.

Able, Available and Work Search Requirements

Able

You need to be able to work, which means:

- No physical or mental condition would have prevented you from working or accepting work during the week

Availability

You need to be available for work, which means:

- You could have worked the hours and days normal to your occupation
- Had transportation to get to work, childcare available if needed, etc.
- You are ready and willing to accept work

Work Search Requirements

Actively apply for work and make appropriate employer work search contact each week.

- Applications must be made within the week for which benefits are being requested
- Apply for a job by completing a job application, submitting a resume, or attending a job interview
- All work search contacts must be made with a person (or entity) who has hiring authority
- Same employers may not be used for two consecutive weeks, unless requested by the employer or unless applying for different positions
- Work search contacts must be for work you are willing and qualified to do as well as in a location you are willing to work.

For a complete explanation of the work search requirements, review the Work Search Requirements Letter sent to you.

Refusing Work

You are required to seek and accept any offers of suitable work. Refusing work has serious consequences. If you refuse any offer of work while requesting payments, you must report this on your payment request.

Failure to report work refusals is considered fraud.

Registering in Montanaworks

You must be registered for work online at Montanaworks.gov. If you have not done so, go to the website and register.

This site will assist in:

- Updating your address
- Signing up for Direct Deposit
- Viewing claim status
- Accessing your 1099-G

Overpayments

If the Montana Department of Labor & Industry determines you were paid DUA benefits you should not have received, it is considered an overpayment, and you will be required to repay the money including any income taxes that were withheld.

There are two types of overpayments:

- **Non-fraud:** An unintentional act by the claimant, they did not knowingly making a false statement, misrepresent material facts, or fail to disclose information to receive benefits.

Overpayments Cont.,

- You will have to repay these benefits, no penalties will be included
- Example: Incorrectly reporting earnings, providing net wages instead of gross
- **Fraud:** An act by the claimant where they knowingly made a false statement, misrepresent material facts, or fail to disclose information to receive benefits.
- You will have to repay your benefits plus an Administrative Penalty equal to 50% of those benefits
- Example: Refusing an offer of work and not reporting this to the agency

A written notice will be mailed to you advising you of the overpayment amount and your payment options to avoid collection efforts, including legal action.



Montana Department of
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UNEMPLOYMENT INSURANCE DIVISION

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