GUAM Department of Labor
Disaster Unemployment Assistance Program

DISASTER UNEMPLOYMENT ASSISTANCE

BENEFIT RIGHTS AND RESPONSIBILITIES HANDBOOK

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The following 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 GUAM Department of Labor (DOL).

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

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/Territory (Guam) 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 Guam DOL will announce the DUA filing period for the affected areas and issue filing instructions for DUA applications through the news media.

Typhoon Mawar

On May 25, 2023, the President authorized major disaster declaration FEMA-4715-DR for Guam due to Typhoon Mawar that occurred May 22, 2023 and continuing. On May 28, 2023, the Federal Emergency Management Agency (FEMA) issued Amendment Number 1 to the Notice of Major Disaster Declaration FEMA 4715-DR to include Federal aid for the Disaster Unemployment Assistance (DUA) for the Territory of Guam to help individuals who became unemployed as a direct result of the declared disaster. On September 5, 2023, Guam DOL announced the availability of DUA and the filing deadline for DUA applications of **October 4, 2023.**

DURATION OF BENEFITS

The disaster assistance period begins with the first week <u>following</u> the date the major disaster began. During the disaster assistance period, 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 26 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 Typhoon Mawar are available starting with the week beginning Sunday, May 28, 2023 and can be paid up to the week ending November 25, 2023, if the individual remains eligible for DUA.

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 of the Guam DOL announcement of DUA availability. Guam DOL announced DUA availability on September 5, 2023. Timely applications for DUA are accepted through **October 4, 2023**. Any DUA application received before Sept. 5th or after Oct. 4th may result in a denial of DUA benefits unless it is determined there was good cause for late filing;
- ❖ 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;
- ❖ 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 Guam DOL form or by letter, and filed in person, by mail or email. You must state the reasons you disagree with the determination denying DUA. If you request a reconsideration of the denial, the Guam DOL Disaster Unemployment Assistance Program office will review its prior determination and consider any new information you provide. A request for reconsideration must be submitted within sixty (60) calendar days from the date of the determination of denial. If you disagree with the reconsideration determination you may file an appeal, and a hearing will be scheduled with an appeals referee from the Guam DOL DUA Appeals office, which has been designated to hear Guam DUA appeals. Guam DOL Disaster Unemployment Assistance Program office will forward the DUA records to the appeals referee. Your appeal must be submitted within sixty (60) calendar days from the date of the determination or redetermination. The Guam DOL DUA Appeals office will send you information on the hearings process.

COMPUTATION OF WEEKLY ASSISTANCE AMOUNT

In Guam, 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 Typhoon Mawar, the DUA Weekly Assistance Amount (WAA) is $384.

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.

WEEKLY DUA CLAIMS

Weekly DUA claims must be filed timely and in accordance with the instructions and forms provided to you by the Guam DOL Disaster Unemployment Assistance Program office. DUA is paid on a calendar week basis in Guam. Your weekly claim for benefits must be filed within the 7-day period immediately following the Saturday date of the week you are claiming. All weekly claims for assistance must be filed on hireguam or in person at a Disaster Unemployment Assistance Program office after the Saturday of the week you are claiming. Any weekly request for assistance that is not filed later than seven calendar days following the last day of the week, is considered to be untimely and payment for the week may be denied unless justified by Good Cause as defined in Hawaii UI regulations.

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. 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, where you will be assisted by staff to file through the online system. We encourage use of the online hireguam.com system to avoid lines or delays in filing.

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 $150 earned in an employer-employee relationship whether paid or not. For self-employed individuals, net income in excess of $150 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 if such pension is from the employer you worked for in 2022.

Typhoon Mawar:

The DUA WAA for claims filed due to Typhoon Mawar is **$384 per week**.. For any week claimed in which an individual reports earnings of less than the weekly assistance amount, the individual will be considered partially unemployed. The first $150 of reported earnings will not reduce the DUA WAA (but you still must report any earnings on your weekly claim certification).. Any amount over $150 of 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.

If you earned $384 or more for any week, you are considered fully employed for that week and you are not eligible for benefits for that particular week.

ARE MY BENEFITS TAXABLE?

DUA benefits are subject to federal income taxes. You may indicate on your application if you choose a voluntary withholding of Guam Income Tax from DUA. You have the option of having income tax in the amount of 10% withheld from your weekly assistance amount (after applicable adjustments, such as earnings and retirement).

If you chose to have Guam income taxes withheld from your DUA claim, you will be permitted to change your withholding status in the future if you desire. If you desire to change your original decision, you must request the change in writing through the Guam Disaster Unemployment Assistance Program office. Guam DOL will provide you a 1099 form for the prior calendar year showing the amount of DUA payments you received.

WILL CHILD SUPPORT DEDUCTIONS BE TAKEN FROM MY DUA BENEFITS?

Federal law provides for States/Territories (Guam) to deduct and withhold child support obligations from any DUA payable to an individual who owes child support subject to an agreement or court order served by the Office of Child Support Enforcement.

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). There are no overpayment waivers for DUA.

WHAT ARE MY RESPONSIBILITIES?

You are responsible to read 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 Guam 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).

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

Information requested for use by the Disaster Unemployment Assistance Program office 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?

Guam's website contains further information about DUA at https://dol.guam.gov/DUA

Individuals in Guam who lost work as a direct result of Typhoon Mawar may apply for DUA either in person or online through hireguam.com. DUA applications and other forms may be obtained on line under the above link or at the following location:

GUAM Department of Labor
414 West Soledad Ave. Suite 808 GCIC Building
Hagatna, Guam 96910

To receive DUA, individuals must provide all required documentation in-person at one of the above locations 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.

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