



Overview

"Direct result of a major disaster" means an immediate result of the disaster itself, not the result of a longer chain of events caused or worsened by the disaster.

Disaster Unemployment Assistance (DUA) provides unemployment benefits for individuals who lost their jobs or self-employment or who are no longer working as a direct result of a major disaster for which a disaster assistance period is declared, and who applied but are not eligible for regular unemployment benefits. See the Eligibility section for details.

Worker Protections During or After Natural Disasters

Employers may not discharge or discriminate against employees who evacuate under emergency evacuation orders. Employers who violate this provision are liable for any loss of wages or employer-provided benefits and must reinstate the employee to the same or equivalent position.

Emergency personnel and those who provide for the safety and well-being of the public are not covered by this law but their employer must provide them with adequate emergency shelter.

For more information, refer to [Emergency Evacuation Discrimination](#).

DUA is Taxable Income

DUA payments must be reported as income to the Internal Revenue Service (IRS).

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Eligibility

If you are eligible for regular benefits, we must pay those benefits before taking a DUA application.

You may be eligible for DUA if one of the following occurred as a direct result of the disaster:

- You lost your job, which was more than 50% of your total income.
- You live in, work in, or travel through the disaster area.
- Your place of employment was damaged or closed.
- You were scheduled to start work but the job no longer exists or you can no longer reach the new job.
- You suffered injury or incapacitation.
- You became the breadwinner or major support of the household due to the death of the head of household.

DUA is available only during the Disaster Assistance Period, which begins with the first Sunday following the date that the major disaster is declared. Federal Emergency Management Agency (FEMA) and DUA regulations determine when the Disaster Assistance Period begins and ends.


Temporary and seasonal workers are only eligible for DUA for the weeks that they would have been employed if the disaster had not occurred. For example, if a seasonal worker was scheduled to work for four weeks after the disaster and then under normal circumstances would be terminated, that worker would be eligible only for four weeks of DUA.



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Applying for DUA

TWC must find out whether you are eligible for regular benefits before you can receive DUA.

- Apply for regular benefits in one of two ways.
 - Common Mistake:
Assuming that DUA is the same as help from the Federal Emergency Management Agency (FEMA). You must apply for FEMA assistance through FEMA, not TWC. For more information about FEMA assistance, visit www.fema.gov

Apply online at [Unemployment Benefit Services](#) by selecting Apply for Benefits. Read the [Apply for Benefits Tutorial](#)  for help applying online.

- Call a [Tele-Center](#) at 800-939-6631 and speak to a customer service representative.
- If you are eligible for regular benefits, we must pay those benefits before taking a DUA application. We will mail you information on your weekly benefit amount, how to request benefit payments, and a copy of our [Unemployment Benefits Handbook](#) .
- If you are not eligible for regular benefits, you can apply for DUA online at [Unemployment Benefit Services](#) or by calling a [Tele-Center](#) at 800-939-6631. If you are eligible for DUA, we will mail you information on your weekly benefit amount, how to request payments, and a copy of our [Unemployment Benefits Handbook](#) .

After you apply for DUA, you must:

- Complete your work search registration at [WorkinTexas.com](#) or your local [Workforce Solutions office](#) within three days of applying for DUA. You do not have to register if you were self-employed at the time of the disaster and are taking steps to reopen your business. If you do not plan to reopen your business, you must complete a work search registration and seek work.
- Send TWC proof of your employment that was affected by the disaster within 21 days of applying for DUA.
- Actively search for full-time employment unless TWC informs you that you are exempt from the work search requirement.
We may exempt work searches if there is a lot of damage to the businesses in the disaster area, if you have a return-to-work date within 12 weeks, or if you are self-employed and working to reopen your business.
- Request payment of DUA using the Payment Request form TWC mailed you. We will determine your eligibility for DUA on a week-to-week basis after reviewing your payment request.
- Make sure TWC has your current [mailing address](#). If you cannot receive mail at your home address, either set up a general delivery address with the U.S. Postal Service or arrange to receive mail at a relative's or friend's home. If using someone else's address, include an "in care of" line with their name in the address.

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Sending TWC Proof of Employment

Common Mistake:

Not sending TWC proof of employment within 21 days of applying for DUA.
TWC must have documents that prove you were working, or scheduled to start working, at the time of the disaster.

Within 21 days of applying for DUA, TWC must have proof that you were:

- Working or self-employed at the time of the disaster
- Scheduled to start work on or after the date of the disaster

If you do not send us proof of employment by the 21-day deadline, we will stop paying you DUA and you will have to repay any benefits you received. In some cases, we can use information in our system, such as wage records, to prove you were employed at the time of the disaster.

Mail or fax proof of employment with your DUA Proof of Employment Cover Sheet to:

Texas Workforce Commission
Attn: DUA Proof
P.O. Box 149137
Austin, TX 78714-9137

Fax: 512-936-3250

Acceptable Proof of Employment

The proof you send us must be dated just prior to the disaster. Accepted forms of proof include:

- Pay stub or voucher
- Earnings statement
- Written statement from your employer
- Notarized statement from a co-worker

Proof of Self-Employment

To prove self-employment, send the following three items:

- Federal income tax form 1040
- Schedule C, F, or SE federal income tax returns for the most recent tax year

- One of the following to prove the existence of the business:
 - Property titles, deeds, or rental agreement for the place of business
 - Recent business bank, phone, utility statement or insurance bill
 - Recent sales tax return

Proof of Prospective Employment

To prove prospective employment, send us a letter from the potential employer that includes all of the following information:

- Name and address of the employer
- Employer contact name and number
- Start date of the job
- Hours of the job
- Duration of the job
- Reason why you did not start work

Proof of Prospective Self-Employment

To prove prospective self-employment, send us one of the following:

- Property titles or deeds for the place of business
- Rental agreement or letter from a property owner showing you planned to open a business at the time of the disaster
- Other evidence that you were preparing to open a business, such as advertising, state tax registration, Assumed Name Certificate

Family Unit or Business

If you worked in a family unit or business, we will assign wages and net income equally to the adult family members of the business, including wages earned by minors, unless you submit documentation to assign wages differently.

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Incorrect or Missing Past Wages

The past wages used to establish your DUA claim may use income not normally covered by regular unemployment, such as contract labor or self-employment earnings.

We will send you a DUA information packet after you apply. If you are missing wages on your DUA Statement of Wages and Potential Benefit Amounts, or if

you disagree with the potential benefit amount, you may request a review by sending us all of the following documents:

- A letter requesting redetermination of your benefit amounts
- The DUA Proof of Employment Cover Sheet from your information packet
- Proof of wages/income for the most recently completed tax year:
 - If you are an employee or contract laborer, send pay stubs, earning statements, IRS Form W-2 or IRS Form 1099.
 - If you are self-employed, send IRS Form 1040 and a copy of Schedule C, F or SE tax return.

Fax or mail these documents to TWC at:

Texas Workforce Commission
Attn: DUA Proof
P.O. Box 149137
Austin, TX 78714-9137

Fax: 512-936-3250

Submit your proof promptly. We cannot adjust your wages and weekly benefit amount after the Disaster Assistance Period ends. If we add wages to your claim, we will mail you a new DUA Statement of Wages and Potential Benefit Amounts.

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Weekly Benefit Amount

Calculation of Weekly Benefit Amount

We calculate your DUA weekly benefit amount (WBA) based on past wages during the base period, which is the most recently completed calendar year, January 1 through December 31. This is a different base period than regular unemployment claims.

To determine your DUA weekly benefit amount, we use the base period quarter with the highest wages, divide by 25 and round to the nearest dollar. Your WBA cannot exceed the maximum amount set by state law. You must have wages in at least two base-period quarters and wages totaling at least 37 times your WBA in order to qualify for more than the minimum WBA.

The calculation also applies to self-employed individuals.

Minimum Weekly Benefit Amount

The minimum DUA weekly benefit amount is 50% of the state average WBA. For example, if the state average WBA is \$315, then the minimum DUA weekly benefit amount would be \$157. We will use the minimum weekly benefit amount if you do not have any base period wages or you do not have enough wages to establish a benefit amount using the calculation above.

Benefit Amount Reductions

If you worked part time prior to the disaster, we will reduce your WBA in proportion to the number of hours you worked per week compared to the customary full-time hours for your occupation.

TWC may reduce your DUA payments if you receive any of the following:

- Benefits or insurance for loss of wages due to illness or disability
- Supplemental unemployment benefits paid pursuant to a collective bargaining agreement
- Private income protection insurance
- Workers' Compensation or survivors benefits if you become the major support of the family as a result of the death of the head of the household because of the disaster
- Retirement pension or annuity
- Earnings from employment or self-employment
- Subsidy or price support payments, crop insurance payments and farm disaster relief (non-DUA) payments
- A court order to pay child support

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Payment Request

We accept only paper payment requests. We will send you a two-week payment request form after you apply for DUA and each time you submit a payment request. Complete the payment request form and fax or mail it back to us on the date shown under your Social Security Number.

We pay benefits by [direct deposit](#) to a personal checking or savings account, or by [TWC debit card](#).

Reporting Earnings

If you are not self-employed and work during a benefit payment period, report your hours and gross earnings as part of your payment request. For detailed information, go to [Report Your Work & Earnings](#).

If you are self-employed, with your payment request report your:

- Total amount of earnings and commissions before deductions (such as operating expenses).
- Gross income in the week you received the income, even if you performed the work in a prior week. For example, if you performed services in Week #1 but did not receive payment until Week #2, you must report the gross income in Week #2, the week when you were paid.

Self-employed farmers must also report subsidy/price support payments, crop insurance and farm disaster relief (non-DUA) payments.

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Ongoing Requirements

DUA eligibility requirements are similar to those for regular unemployment benefits. To receive DUA, you must:

- Be unemployed as a direct result of the disaster
- Be legally authorized to work in the United States
- Be able to work and available for work
- Actively search for work, unless ill or injured due to the disaster
- Submit DUA payment requests on time
- Have not refused an offer or referral to suitable work

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Appeals Process & Deadlines

If you disagree with a decision on your DUA claim, you must mail or fax your written appeal no later than 60 days from the date TWC mailed the decision. We will use the postmark on mailed appeal letters or the date we receive your fax appeal letter to determine whether your appeal is timely.

Mail or fax your appeal to:

Texas Workforce Commission
Appeals Department

101 E 15th St, Rm 410
Austin, Texas 78778

Fax: 512-475-1135

- Include your Social Security Number on the appeal.
- Include a copy of the determination you are appealing.
- Keep your fax confirmation as proof of transmission.

Continue to request payment every two weeks as necessary while you wait for the result of the appeal. If the appeal decision is in your favor, we can only pay you for weeks in which you requested payment and met all other requirements.

For more information about the appeals process, visit [Introduction to the Unemployment Benefits Appeal Process](#).

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Fraud

DUA is paid using federal funds. Knowingly giving false information or withholding information to obtain or increase unemployment benefits is [fraud](#), which can be prosecuted under state and federal laws. If you commit fraud, you will lose your remaining benefits, you must repay any benefits you received and you may face criminal charges. If convicted, you could face a fine and jail time. All information is subject to verification by TWC and the U.S. Department of Labor. Criminal or civil penalties or both will be enforced for violation of state and federal laws.

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See Also

- [Applying for Unemployment Benefits](#)
- [Ongoing Eligibility Requirements for Receiving Unemployment Benefits](#)
- [Work Search Requirements for Unemployment Benefits](#)
- [Report Your Work & Earnings](#)
- [How Money from Other Sources Can Affect Your Benefits](#)