

November 12, 2012

Legal Alert: Disaster Unemployment Assistance due to Hurricane Sandy

The federal government provides unemployment assistance through the Disaster Unemployment Assistance (“DUA”) program. Individuals and businesses in federally-declared disaster areas who have lost work or income as a direct result of Hurricane Sandy may qualify.

The eligibility requirements for DUA are different than those for regular unemployment insurance. If you live or work in Bronx, Kings, Nassau, New York, Queens, Richmond, Rockland, Suffolk, or Westchester counties and you lost your job or income due to the effects of Hurricane Sandy, you may qualify for DUA benefits. Individuals who are self-employed (including farmers) in these counties, even if they would not normally qualify for unemployment insurance, may also be eligible. Situations that may qualify for DUA include (i) an inability to work due to injuries from the storm, (ii) damage to or destruction of your workplace or business, (iii) unavailability of transportation to work due to the storm, or (iv) the majority of your income is derived from areas affected by the disaster and business has decreased due to the storm.

DUA benefits will be paid for a maximum of 27 weeks from October 29, 2012 through May 5, 2013 and may only be collected during periods when you are unemployed as a direct result of Hurricane Sandy. The minimum weekly benefit for DUA benefits is \$152, and the maximum weekly benefit is \$405. Individuals who are eligible for regular unemployment insurance benefits will not qualify for DUA benefits. Note also that an employer’s unemployment insurance account will not be charged for employees who receive DUA benefits.

To apply for DUA, individuals should file for regular unemployment insurance by calling the New York State Department of Labor (“NYSDOL”) at 1 (888) 209-8124 or 1 (877) 358-5306 (if you live out of state). Answer the questions to indicate that you lost your job or income as a direct result of Hurricane Sandy. Self-employed individuals (including farmers) should call the NYSDOL at 1 (888) 209-8124 or 1 (877) 358-5306 (if you are currently out of state but lived or worked in the affected counties) to speak to a DUA specialist. The NYSDOL will then evaluate your claim and make payments to those who qualify.

The application deadline is December 3, 2012, and you are strongly encouraged to file your application with the NYSDOL as soon as possible. Additional information on DUA and other disaster-related assistance programs, including temporary employment opportunities and extending certification dates for unemployment benefits, can be found on the NYSDOL web site at <http://www.labor.ny.gov/ui/2012-sandy-services.shtm>.

This alert is meant to provide general information only, not legal advice. Please contact Judith Moldover at Lawyers Alliance for New York at (212) 219-1800 x 250 or visit our website www.lawyersalliance.org for further information.

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