

Highlights of UIPL 16-20 (CARES Act Q&A)

Relationship of PUA to Disaster Unemployment Assistance

Unlike DUA, an individual filing for PUA does not need to provide proof of employment or self-employment to qualify, nor does PUA take into account the individual's principal source of income as part of the self-certification process.

Claims Filing

If domestic violence, sexual violence, or stalking prevents an individual from teleworking and the individual is not eligible for regular UC, the individual may be qualified to receive PUA if he or she is unemployed, partially unemployed, or unable or unavailable because of one of the COVID-19 related reasons listed in section 2102(a)(3)(A)(ii)(I) of the CARES Act.

States are required to review regular UC claims that were denied as of January 27, 2020 forward and identify individuals who are potentially eligible for PUA during the Pandemic Assistance Period. States are thereafter required to provide these individuals with appropriate written notification of their potential eligibility, including filing instructions.

The self-employed individual must file with the state where he or she was working at the time of becoming unemployed, partially unemployed, or unable or unavailable to work because of a COVID-19 related reason listed in section 2102(a)(3)(A)(ii)(I) of the CARES Act. If an individual worked in more than one state at this time, the individual may file in any of those states.

Calculating Benefit Entitlement

There is no minimum monetary requirement for an individual to be eligible for PUA. However, base period wages are considered when calculating the individual's WBA.

Question: DUA requires that an individual provide proof of employment or commencement of employment within 21 calendar days. Is PUA the same?

Answer: No. PUA does not require proof of employment. Instead, PUA requires that the individual self-certify that one of the COVID-19 related reasons identified in section 2102(a)(3)(A)(ii)(I) applies to his or her situation.

If an individual does not provide proof of CY 2019 (*i.e.*, PUA base period) wages within 21 days, an individual's WBA will be reduced based on whichever is higher - the record of wages already on file or the minimum PUA WBA. An overpayment must be established for any benefits overpaid.

The individual must have an attachment to the labor market and must have experienced a loss of wages and hours or was unable to start employment following a bona fide job offer.

Dependents' Allowance is payable with PUA.

Child support obligations must be deducted from PUA payments in the same manner and to the same extent as these obligations are deducted from regular UC.

Eligibility – Initial Claims

States have significant flexibility in how they implement the self-certification form. If the state provides a free-form text box for the individual to identify the reason for their unemployment, partial unemployment, or inability or unavailability to work, then the state must evaluate this information against the list of acceptable reasons found under section 2102(a)(3)(A)(ii)(I) of the CARES Act and document the reason.

Provided a full-time student who worked part-time is unemployed, partially unemployed, or unable or unavailable to work because of one of the COVID-19 related reasons in section 2102(a)(3)(A)(ii)(I) of the CARES Act, then he or she may be eligible for PUA. The requirement that the employment be the “principal source of income” under DUA does not apply to eligibility for PUA.

An individual participating in Peace Corps and Americorps who would not qualify for regular UC, whose volunteer site is closed down as a direct result of COVID-19, and who has suffered a loss of income is eligible for PUA.

Eligibility – Not Eligible for Regular UI

Question: An individual is disqualified on a claim filed prior to March 2020 and must earn requalifying wages before he or she can be considered eligible for regular UC. However, due to COVID-19, he or she has not had the opportunity to earn sufficient wages to be eligible for regular UC. Can this individual be eligible for PUA?

Answer: Yes. Provided the individual is unemployed, partially unemployed, or unable or unavailable to work because of at least one of the COVID-19 related reasons listed in section 2102(a)(3)(A)(ii)(I) of the CARES Act, then the individual may be eligible for PUA.

If the individual is disqualified from regular UC for a cause that occurred prior to the individual’s COVID-19 related reason, he or she may be eligible for PUA. This includes an individual who has a prior fraud disqualification.

Eligibility – COVID-19 Related Reasons

However, if the facility that the individual relies on to provide summer care for the child is also closed as a direct result of the COVID-19 public health emergency, he or she may continue to qualify for PUA under section 2102(a)(3)(A)(ii)(I)(dd) of the CARES Act.

An individual may also qualify if he or she is unable to reach the place of employment due to a stay-at-home, shelter-in-place, or other order that requires an individual to stay home in quarantine to reduce the spread of COVID-19.

Overpayments

Question: Must PUA benefits be offset to recover overpayments for other states through the Interstate Reciprocal Overpayment Recovery Arrangement (IRORA)?

Answer: Yes. PUA payments must be reduced to recover overpayments for other states if the state has signed the IRORA agreement. However, the state may not offset more than 50 percent from the PUA payment to recover overpayments for other programs.

Question: May the state apply its own state law waiver provisions to PUA overpayments?

Answer: No. Under 20 C.F.R. §625.14(e), any provision of state law authorizing the waiver of recovery of overpayments is not applicable.

Appeals

PUA determinations, redeterminations, appeals, and hearings follow the provisions of state law applicable to claims for and payment of regular UC.