



PANDEMIC UNEMPLOYMENT ASSISTANCE BENEFITS

PUA Benefits

Unemployment Assistance for Those Not Eligible for Regular
Unemployment Benefits

Overview:

On March 27, 2020, the CARES Act was signed into law, which includes the Relief for Workers Affected by Coronavirus Act. Section 2102 of the CARES Act creates a new temporary federal program called Pandemic Unemployment Assistance (PUA) that in general provides up to 39 weeks of unemployment benefits to individuals who are not eligible for other types of unemployment. The CARES Act also creates a new temporary federal program called Federal Pandemic Unemployment Assistance (FPUC) that provides an additional \$600 weekly benefit to those eligible for PUA.

Eligibility:

PUA provides unemployment benefits to individuals who are unable to work because of a COVID-19-related reason but are not eligible for regular or extended unemployment benefits. To be eligible, individuals must be able to work and be available for work in accordance with state law.

Individuals receiving PUA benefits who are determined eligible for FPUC will receive an additional \$600 benefit payment for the weeks ending April 4, 2020 to July 25, 2020.

How to Apply:

Massachusetts workers may complete a PUA application by visiting <https://ui-cares-act.mass.gov/PUA/>. Applicants will need to provide the following information:

- Your social security number
- If you are not a citizen of the United States, your USCIS A-number
- Your residential address
- Your mailing address (if different from residential address)
- Your telephone number
- Your email address
- Your birth date
- Your wage records for 2019, which includes:
 - 1099 forms
 - Pay stubs
 - Bank statements
- The social security number(s) and date(s) of birth for your dependent child(ren)
- If you want to use direct deposit for payment, your bank account and routing numbers.

After applying:

All accepted applications will initially receive the minimum weekly benefit amount, plus an additional \$600 FPUC weekly benefit. Once a worker's wages are verified, weekly benefit amounts may increase. Weekly benefits, including any increase to your weekly benefit amount, will be retroactive to the week ending February 8, 2020, or the date when you became unemployed, whichever is more recent, as long as you became unable to work because of a COVID-19 related reason.

Please note that, initially, the system can only pay benefits retroactively to the week ending March 14, 2020., Later, eligible workers will be able to certify for benefits, and will be able to request benefits retroactively to the week ending February 8, 2020, if their dates of unemployment make them eligible.

Appeals:

Appealing an initial determination

If DUA determines that you are not eligible to receive Pandemic Unemployment Assistance benefits, you will receive a disqualification electronically. You will be able to appeal the disqualification by 1) clicking on "I want to appeal" on the notice; or 2) requesting an appeal to a call-center agent by phone.

You must appeal within 30 calendar days of the date of the disqualification.

It is important that you participate in any scheduled hearing as the hearing will result in a new decision on your eligibility.

If you are still unemployed while waiting for a hearing, you must continue to request benefit payments each week. Even if your initial determination is reversed, you will not receive benefit payments for the weeks when you did not request benefits.

Hearings

When the Hearings Department receives the appeal, it will be scheduled for a hearing and you will be sent a notice of the date and time. Until DUA's offices are reopened to the public, hearings will be conducted exclusively by telephone.

Hearings are conducted by review examiners. After the hearing, the review examiner will issue a written decision based on documents and information presented at the hearing.

Board of Review of the Department of Unemployment Assistance

If you disagree with the review examiner's decision, you have 30 calendar days after the date of mailing of that decision to appeal to the Board of Review

If the Board of Review accepts the case for review, it will make a decision using the case material received from the Hearings Department, including the recorded hearing. When the Board of Review issues a decision, it provides instructions about how to appeal the decision to the District Court or the Boston Municipal Court. You can also appeal to the District Court or the Boston Municipal Court if the Board of Review declines to accept the case for review. You have thirty days from the mailing date of the Board’s decision or denial of review to file a court appeal.

To learn more about the Board of Review, go to www.mass.gov/dua/bor. To learn more about appealing to court, including whether to file your appeal in the District Court or the Boston Municipal Court, see Massachusetts General Laws Chapter 151A, Section 42.

Your right to representation

If you wish to be represented at any level of appeal, it is important that you arrange representation as soon as possible. An authorized agent of your choice, such as an attorney or advocate, may represent you at any level of agency appeal. Contact your local bar association or a legal advocacy organization for assistance. DUA cannot recommend or appoint a representative.

Frequently Asked Questions:

Q. Does the CARES Act provide benefits to workers who have been ineligible for regular or extended benefits until now?

A. Yes. The CARES Act provides a program separate from regular unemployment benefits. The new program, Pandemic Unemployment Assistance (PUA), extends eligibility to individuals who:

- are self-employed, including gig workers, freelancers, and independent contractors;
- are seeking part-time employment;
- have an insufficient work history to qualify for benefits;
- have exhausted all rights to regular or extended benefits under state or federal law or to Pandemic Emergency Unemployment Compensation (PEUC);
- have been laid off from churches and religious institutions and are not eligible for benefits under state law; or
- are otherwise not qualified for regular or extended benefits or Pandemic Emergency Unemployment Compensation (PEUC)

Q. What must these workers establish to qualify for benefits?

A. Individuals must provide “self-certification” that they are otherwise able and available to work, but are prevented from doing so by one of the following circumstances relating to COVID-19:

- The individual has been diagnosed with COVID-19 or is experiencing symptoms of COVID-19 and is seeking a diagnosis; or
- A member of the individual’s household has been diagnosed with COVID-19; or
- The individual is providing care to a household or family member who has been diagnosed with COVID-19; or
- A child or other person for whom the individual has primary caregiving responsibility is unable to attend school or another facility as a result of COVID-19; or
- The individual is unable to reach the place of employment because of a quarantine imposed as a result of the COVID-19 public health emergency; or
- The individual is unable to reach the place of employment because the individual has been advised by a health care provider to self-quarantine; or
- The individual was scheduled to start work and does not have a job or cannot reach the job as a result of COVID-19; or
- The individual has become the breadwinner or major support for a household because the head of the household has died as a direct result of COVID-19; or
- The individual has to quit their job as a direct result of COVID-19; or
- The individual’s place of employment is closed because of COVID-19; or
- The individual works as an independent contractor and the COVID-19 public health emergency has severely limited his or her ability to continue performing his or her usual work activities, and has thereby forced the individual to stop performing those activities.

Q. Under what circumstances will these workers not qualify for Pandemic Unemployment Assistance (PUA)?

A. Individuals able to telework with pay and individuals receiving paid sick or other leave will not qualify for PUA. Individuals receiving paid sick leave or other paid leave benefits for less than their customary work week, however, may still be eligible for PUA.

Q. What weeks will Pandemic Unemployment Assistance (PUA) cover?

A. It will be effective for weeks of unemployment beginning on or after 2/2/20 and ending 12/26/20.

Q. What is the maximum number of weeks for which an individual qualifying for Pandemic Unemployment Assistance (PUA) can receive benefits?

A. An individual can receive benefits for a maximum of 39 weeks, including regular UI and extended benefits under any federal or state law, though additional extended benefit weeks could be added later. Also, there is no waiting week.

Q. How much will I receive in benefits?

A. The amount of PUA benefits you will receive is based on your previous income reported. PUA benefits may not be more than the state's maximum weekly benefit rate for regular unemployment benefits, which is \$823.00 in Massachusetts.

All individuals collecting PUA will also receive \$600 per week from Federal Pandemic Unemployment Compensation (FPUC), in addition to weekly benefits as calculated above. Individuals will be eligible for FPUC payments for the weeks ending April 4, 2020 through July 25, 2020.

Q. My hours have been reduced. Can I collect benefits under PUA?

A. If you are working fewer hours due to COVID-19 and it has resulted in a loss in income, and you are not eligible for regular unemployment benefits, you may be eligible for PUA.

Q. I am self-employed and my income and hours have declined greatly because of COVID-19. Am I eligible for PUA?

A. Self-employed individuals, independent contractors, or gig workers who have had to suspend their work because of COVID-19, or had a significant reduction in work, may be eligible for PUA. In cases where an individual has partial earnings, these earnings must be reported, and their weekly benefit amount may be reduced.

Q. I am a small business owner. Am I eligible for PUA?

A. You may be eligible for PUA if your primary source of income is from work you do for your own business or on your own farm.

Q. I have never worked before. Am I eligible for PUA?

A. You may be eligible for PUA even if you have never worked before **and**

- you were scheduled to commence employment and do not have a job or are unable to reach the job as a direct result of the COVID-19 public health emergency; **OR**
- your job offer was rescinded because of COVID-19; **OR**
- you have become the breadwinner or major supporter for a household because the head of the household has died as a direct result of COVID-19.

Q. If I am eligible for (or currently receiving) regular unemployment benefits, should I apply for Pandemic Unemployment Assistance (PUA)?

A. No. PUA benefits are not payable to individuals who are eligible for regular unemployment benefits.

Q. How do I determine if I should apply for regular unemployment benefits or Pandemic Unemployment Assistance (PUA)?

A. If you answer “yes” to any of these questions, you should first file a claim for regular unemployment benefits to see if you are eligible before filing a claim for PUA benefits:

1. Did you earn more than \$5100.00 in 2019 working for an employer who took taxes out of your paycheck?
2. Did you earn more than \$5100.00 in 2019 working for the Federal government or in the military?
3. Are you eligible for, or receiving, benefits from other unemployment insurance programs such as regular unemployment benefits, Trade Readjustment Allowances (TRA), Disaster Unemployment Assistance from a prior natural disaster, or WorkShare benefits?
4. Did you work in another state in addition to working in Massachusetts in 2019?
5. If you filed a claim for unemployment assistance in the past 52 weeks, did you return to work or stop collecting benefits before you claimed all the available benefits on that claim?

Q. If I have already applied for unemployment, should I also apply for PUA?

A. No, you should not apply for this benefit if you have a pending application for unemployment. If you have applied for and did not qualify or were denied for regular unemployment benefits, then you should apply for PUA if you are out of work due to COVID-19. If you are eligible for or receiving regular unemployment benefits, you may not apply and will not be eligible for this benefit.

Q. If I do not provide accurate information on my application, will I have to repay benefits received?

A. Yes. As with any unemployment claim, you are required to provide accurate information or face penalties including denial of benefits and repayment of benefits. If you knowingly provide inaccurate information or fail to disclose required information, you could be subject to criminal prosecution.

Q. Will I have to pay federal and state taxes on benefits received?

A. Yes, all PUA and FPUC benefits will be subject to Massachusetts and federal taxes.

Q. I was self-employed, or a gig worker, and did not receive a regular paycheck. How do I calculate my income for purposes of completing a PUA application?

A. Individuals may use a variety of documents to calculate their income, including W-2s, 1099s, tax returns, pay stubs, bank receipts and billing notices. Individuals should retain all documents establishing income for verification purposes.