(b) Unemployed self-employed individual. The unemployment of an unemployed self-employed individual is caused by a major disaster if—

(1) The individual has a “week of unemployment” as defined in §625.2(w)(2) following the “date the major disaster began” as defined in §625.2(e), and such unemployment is a direct result of the major disaster; or

(2) The individual is unable to reach the place where services as a self-employed individual are performed, as a direct result of the major disaster; or

(3) The individual was to commence regular services as a self-employed individual, but does not have a place or is unable to reach the place where the services as a self-employed individual were to be performed, as a direct result of the major disaster; or

(4) The individual cannot perform services as a self-employed individual because of an injury caused as a direct result of the major disaster.

(c) Unemployment is a direct result of the major disaster. For the purposes of paragraphs (a)(1) and (b) of this section, a worker’s or self-employed individual’s unemployment is a direct result of the major disaster where the unemployment is an immediate result of the major disaster itself, and not the result of a longer chain of events precipitated or exacerbated by the disaster. Such an individual’s unemployment is a direct result of the major disaster if the unemployment resulted from:

(1) The physical damage or destruction of the place of employment;

(2) The physical inaccessibility of the place of employment in the major disaster area due to its closure by or at the request of the federal, state or local government, in immediate response to the disaster; or

(3) Lack of work, or loss of revenues, provided that, prior to the disaster, the employer, or the business in the case of a self-employed individual, received at least a majority of its revenue or income from an entity in the major disaster area that was either damaged or destroyed in the disaster, or an entity in the major disaster area closed by the federal, state or local government in immediate response to the disaster.


§ 625.6 Weekly amount; jurisdictions; reductions.

(a) In all States, except as provided in paragraphs (c) and (d) of this section, the amount of DUA payable to an unemployed worker or unemployed self-employed individual for a week of total unemployment shall be the weekly amount of compensation the individual would have been paid as regular compensation, as computed under the provisions of the applicable State law for a week of total unemployment. In no event shall such amount be in excess of the maximum amount of regular compensation authorized under the applicable State law for that week.

(1) Except as provided in paragraph (a)(2) or (b) of this section, in computing an individual’s weekly amount of DUA, qualifying employment and wage requirements and benefit formula of the applicable State law shall be applied; and for purposes of this section, employment, wages, and self-employment which are not covered by the applicable State law shall be treated in the same manner and with the same effect as covered employment and wages, but shall not include employment, self-employment, or wages earned or paid for employment or self-employment, which is contrary to or prohibited by any Federal law, such as, but not limited to, section 3304(a)(14)(A) of the Federal Unemployment Tax Act (26 U.S.C. 3304(a)(14)(A)).

(2) For purposes of paragraph (a)(1) of this section, the base period to be utilized in computing the DUA weekly amount shall be the most recent tax year that has ended for the individual (whether an employee or self-employed) prior to the individual’s unemployment that was a direct result of the major disaster. The self-employment income to be treated as wages for purposes of computing the weekly amount under this paragraph (a) shall be the net income reported on the tax return of the individual as income from
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all self-employment that was dependent upon the performance of services by the individual. If an individual has not filed a tax return for the most recent tax year that has ended at the time of such individual’s initial application for DUA, such individual shall have a weekly amount determined in accordance with paragraph (e)(3) of this section.

(3) As of the date of filing an initial application for DUA, family members over the age of majority, as defined under the statutes of the applicable State, who were customarily or routinely employed or self-employed as a family unit or in the same self-employment business prior to the individuals’ unemployment that was a direct result of the major disaster, shall have the wages from such employment or net income from the self-employment allocated equally among such adult family members for purposes of computing a weekly amount under this paragraph (a), unless the documentation to substantiate employment or self-employment and wages earned or paid for such employment or self-employment submitted as required by paragraph (e) of this section supports a different allocation. Family members under the age of majority as of the date of filing an initial application for DUA shall have a weekly amount computed under this paragraph (a) based on the actual wages earned or paid for employment or self-employment rather than an equal allocation.

(b) If the weekly amount computed under paragraph (a) of this section is less than 50 percent of the average weekly payment of regular compensation in the State, as provided quarterly by the Department, or, if the individual has insufficient wages from employment or insufficient or no net income from self-employment (which includes individuals falling within paragraphs (a)(3) and (b)(3) of §625.5) in the applicable base period to compute a weekly amount under paragraph (a) of this section, the individual shall be determined entitled to a weekly amount equal to 50 percent of the average weekly payment of regular compensation in the State.

(c) In the Territory of Guam and the Commonwealth of the Northern Mariana Islands, the amount of DUA payable to an unemployed worker or unemployed self-employed individual for a week of total unemployment shall be the average of the payments of regular compensation made under all State laws referred to in §625.2(r)(1)(i) 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. The weekly amount so determined, if not an even dollar amount, shall be rounded to the next higher dollar.

(d) In American Samoa, Federated States of Micronesia, Republic of the Marshall Islands and the Trust Territory of the Pacific Islands, the amount of DUA payable to an unemployed worker or unemployed self-employed
individual for a week of total unem-
ployment shall be the amount agreed
upon by the Regional Administrator,
Employment and Training Administra-
tion, for Region VI (San Francisco),
and the Federal Coordinating Officer,
which shall approximate 50 percent of
the area-wide average of the weekly
wages paid to individuals in the major
disaster area in the quarter imme-
diately preceding the quarter in which
the major disaster began. The weekly
amount so determined, if not an even
dollar amount, shall be rounded to the
next higher dollar.

(e) The State agency shall imme-
diately determine, upon the filing of an
initial application for DUA, a weekly
amount under the provisions of para-
graphs (a) through (d) of this section,
as the case may be, based on the indi-
vidual’s statement of employment or
self-employment preceding the individ-
ual’s unemployment that was a direct
result of the major disaster, and wages
earned or paid for such employment or
self-employment. An immediate deter-
mination of a weekly amount shall also
be made where, in conjunction with the
filing of an initial application for DUA, the individual submits docu-
mentation substantiating employment or self-employ-
ment and wages earned or paid for
such employment or self-employment,
or, in the absence of documentation,
where any State agency records of em-
ployment or self-employment and
wages earned or paid for such employ-
ment or self-employment, or the
planned commencement of employ-
ment or self-employment in accordance
with paragraph (e)(1) of this section,
shall be determined ineligible for the
payment of DUA for any week of unem-
ployment due to the disaster. Any
weeks for which DUA was already paid
on the application prior to the date of
the determination of ineligibility
under this paragraph (e)(2) are overpaid
and a determination shall be issued in
accordance with §625.14(a). In addition,
the State agency shall consider wheth-
er the individual is subject to a dis-
qualification for fraud in accordance
with the provisions set forth in
§625.14(i).

(3) For purposes of a computation of
a weekly amount under paragraph (a)
of this section, if an individual submits
documentation substantiating employ-
ment or self-employment in accordance
with paragraph (e)(1), but not docu-
mentation of wages earned or paid dur-
during the base period set forth in para-
graph (a)(2) of this section, including
those cases where the individual has
not filed a tax return for the most re-
cent tax year that has ended, the State
agency shall immediately redetermine
the weekly amount of DUA payable to
the individual in accordance with para-
graph (b) of this section.

(4) Any individual determined eligi-
ble for a weekly amount of DUA under
the provisions of paragraph (e)(3) of
this section may submit necessary doc-
umentation to substantiate wages
earned or paid during the base period
set forth in paragraph (a)(2) of this sec-
tion, including those cases where the
individual has not filed a tax return for
the most recent tax year that has ended,
at any time prior to the end of
the disaster assistance period. A rede-
termination of the weekly amount pay-
able, as previously determined under
paragraph (b) of this section, shall im-
mediately be made if the wages earned
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§ 625.8 Applications for Disaster Unemployment Assistance.

(a) Initial application. An initial application for DUA shall be filed by an individual with the State agency of the applicable State within 30 days after the announcement date of the major disaster as the result of which the individual became unemployed, and on a form prescribed by the Secretary which shall be furnished to the individual by the State agency. An initial application filed later than 30 days after the announcement date of the major disaster shall be accepted as timely by the State agency if the applicant had good cause for the late filing, but in no event shall an initial application be accepted by the State agency if it is filed after the expiration of the Disaster Assistance Period. If the 30th day falls on a Saturday, Sunday, or a legal holiday in the major disaster area, the 30-day time limit shall be extended to the next business day.

(b) Weekly applications. Applications for DUA for weeks of unemployment shall be filed with respect to the individual's applicable State at the times and in the manner as claims for regular compensation are filed under the applicable State law, and on forms prescribed by the Secretary which shall be furnished to the individual by the State agency.

(c) Filing in person. (1) Except as provided in paragraph (c)(2) of this section, all applications for DUA, including initial applications, shall be filed in person.

(2) Whenever an individual has good cause for not filing any application for DUA in person, the application shall be filed at such time, in such place, and in such a manner as directed by the State agency and in accordance with this part and procedures prescribed by the Secretary.

(d) IBPP. The “Interstate Benefit Payment Plan” shall apply, where appropriate, to an individual filing applications for DUA.

(e) Wage combining. The “Interstate Arrangement for Combining Employment and Wages” (part 616 of this chapter) shall apply, where appropriate, to an individual filing applications for DUA. Provided, That the “Paying