

PANDEMIC UNEMPLOYMENT ASSISTANCE (PUA)

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WHAT IS PUA?

On March 27, 2020, the President signed into law the Coronavirus Aid, Relief, and Economic Security (CARES) Act of 2020, which includes the Relief for Workers Affected by Coronavirus Act set out in Title II, Subtitle A. Section 2102 of the CARES Act creates the new temporary Pandemic Unemployment Assistance (PUA) program. The PUA program provides temporary benefits to individuals whose employment or self-employment has been lost or interrupted as a direct result of COVID-19. Direct result means loss of employment or self-employment because of a reason directly related to the COVID-19 Pandemic. The PUA program, in general, provides up to 39 weeks of unemployment benefits. The U.S. Department of Labor (Department) oversees the PUA program and reimburses the Department of Finance and Administration (DoFA) as agency in charge for PUA in the Federated States of Micronesia (FSM) for both the program administration and benefit payment costs. PUA in FSM is administered following Hawaii State Law as per definition in 20 CFR § 625.2 (r) (1) (ii). For the implementation in FSM, the Office for Pandemic Unemployment Assistance (OPUA) has been temporarily created under DoFA and is the main counterpart for PUA applicants and beneficiaries.

For more information on the PUA program, please review Unemployment Insurance Program Letter (UIPL) No. 16-20 https://wdr.doleta.gov/directives/corr_doc.cfm?docn=4628

QUALIFYING FOR PUA

PUA provides benefits to individuals who are not eligible for regular unemployment compensation (UC) or extended benefits (EB) under state or Federal law or pandemic emergency unemployment compensation (PEUC), including those who have exhausted all rights to such benefits. Covered individuals also include the self-employed, those seeking part-time employment, individuals lacking sufficient work history, and those who otherwise do not qualify for regular UC or EB under state or Federal law or PEUC. Except as otherwise provided in Section 2102 of the Act, or to the extent there is a conflict between Section 2102 and 20 C.F.R. Part 625, the Disaster Unemployment Assistance (DUA) regulations at 20 CFR Part 625 apply to the PUA program, as if the term “COVID-19 public health emergency” were substituted for the term “major disaster” and the term “pandemic” were substituted for the term “disaster” each place it appears in 20 C.F.R. Part 625.

PUA is also generally not payable to individuals who have the ability to telework with pay or who are receiving paid sick leave or other paid leave benefits. However, individuals receiving paid sick leave or other paid leave benefits for less than their customary work week and individuals who have been offered the option of teleworking with pay who then work less than the individual worked prior to the COVID-19 pandemic, may still be eligible for PUA. However, income received for telework, and the income reductions listed in the DUA regulations at 20 C.F.R. 625.13 received in a week must be deducted from the PUA benefit payment for that week, including paid sick leave.

In general, PUA provides benefits to qualifying individuals who are otherwise able to work and available for work within the meaning of the applicable state UC law, except that they are unemployed, partially unemployed, or unable or unavailable to work due to one of the COVID-19 related reasons identified in Section 2102(a)(3)(A)(ii)(I) of the CARES Act and listed below:

- The individual has been diagnosed with COVID-19 or is experiencing symptoms of COVID-19 and is seeking a medical diagnosis;
- A member of the individual’s household has been diagnosed with COVID-19;
- The individual is providing care for a family member or a member of the individual’s household who has been diagnosed with COVID-19;

- A child or other person in the household for which the individual has primary caregiving responsibility is unable to attend school or another facility that is closed as a direct result of the COVID-19 public health emergency and such school or facility care is required for the individual to work;
- The individual is unable to reach the place of employment because of a quarantine imposed as a direct result of the COVID-19 public health emergency;
- The individual is unable to reach the place of employment because the individual has been advised by a health care provider to self-quarantine due to concerns related to COVID-19;
- The individual was scheduled to commence employment and does not have a job or is unable to reach the job as a direct result of the COVID-19 public health emergency;
- 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;
- The individual has to quit his or her job as a direct result of COVID-19; or
- The individual's place of employment is closed as a direct result of the COVID-19 public health emergency.

CONTINUED BENEFIT PAYMENTS

After filing a PUA application, an individual must request continued PUA benefit payments according to the instructions given by OPUA.

REQUIRED PROOF OF EMPLOYMENT

The individual shall provide proof (e.g., paystubs, income tax return, bank statements, offer letter) to document employment or self-employment that was impacted by COVID-19 or to document work that was to begin on or after the date when COVID-19 impacted the individual's employment status. Individuals will follow the applicable OPUA requirements for submitting the required documentation.

FEDERAL PANDEMIC UNEMPLOYMENT COMPENSATION (FPUC)

Individuals who receive at least one dollar (\$1) of PUA benefits for a week, will also receive an additional \$600 supplemental payment under the FPUC program described at section 2104 of the CARES Act. *See also* UIPL No. 15-20, https://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=9297. However, the time period that a claimant can receive the FPUC supplemental payment is more limited than the duration of the PUA payments. Specifically, FPUC is payable only for weeks of unemployment beginning on or after the date on which the state (50 States, the District of Columbia, the Commonwealth of Puerto Rico, and the U.S. Virgin Islands) enters into an FPUC agreement with the Department. For the Commonwealth of the Northern Mariana Islands (CNMI), Guam, American Samoa, **the Federated States of Micronesia (FSM)**, the Republic of the Marshall Islands, and the Republic of Palau, FPUC is payable only for weeks of unemployment beginning on or after the date on which the entity enters into a PUA agreement with the Department. FPUC is not payable to any individual for any week of unemployment ending after July 31, 2020.

BENEFIT DURATION AND WEEKLY BENEFIT AMOUNT (WBA)

PUA is payable beginning on or after January 27, 2020 and ending on or before December 31, 2020. The duration of PUA benefits payable to an individual is generally limited to 39 weeks.

CNMI and the Republic of Guam follow a PUA WBA calculation of the average of the payments of regular compensation made under all State laws referred to in 625.2(r)(1)(i), as published in Unemployment Insurance Program Letter No. 03-20. American Samoa, FSM, the Republic of the Marshall Islands and the Republic of Palau follow a PUA WBA calculation found in 20 CFR 625.6(d).

The PUA WBAs for these entities, including **FSM**, are **166 USD per week**.

No additional forms or applications are required for FPUC. The \$600 per week additional payment will be automatically added to the PUA benefit.

PUA Benefits will no longer be available after the week of December 26, 2020. The last week the FPUC is payable is the week ending July 25, 2020.

APPEALS

Any denial of PUA benefits may be requested to be reconsidered or appealed. Appeal or request for reconsideration must be in writing on an OPUA form or by letter, and filed in person or by mail. An appeals form can be obtained from the OPUA Office or via email opua@gov.fm. Reconsideration is requested, the Department of Finance and Administration will review its prior decision and consider any new information the applicant provides. If an appeal is requested, a telephone hearing will be scheduled with an appeal referee from the Department of Finance and Administration which has been designated to hear the Claimant. Department of Finance and Administration will forward all claim records to the referee. Department of Finance and Administration will send additional information on the hearings process.

FILING A PUA CLAIM

Application forms can be downloaded from the OPUA website:

<http://www.dofa.gov.fm/pandemic-unemployment-assistance-program/>

and are available in all OPUA locations in the 4 States. The application form must be fully completed and handed in person to one of the OPUA offices. OPUA staff can assist in filling the forms. The initial application will be reviewed by OPUA management and the applicant will receive a notice of determination within a period of 3 weeks. If found eligible, PUA payments are back-dated to day the person got laid off or reduced hours. Furtheron, PUA beneficiaries must file a weekly claim at the OPUA office in order to continue receiving the benefits.

IMPORTANT

Knowingly making false statements or omitting material facts to obtain PUA and FPUC benefits will result in a disqualification and repayment of all overpaid PUA/FPUC benefits. Depending on the seriousness of the offense, you may be subject to Criminal Prosecution.