

August 2020



Greetings,

I am pleased to notify you that under updated guidance from the U.S. Department of Labor (DOL), you may be eligible for Pandemic Unemployment Assistance (PUA) benefits.

As you may know, a 2013 Wisconsin state law disqualifies SSDI recipients from receiving state unemployment insurance (UI) benefits. A previous interpretation from DOL extended this disqualification to PUA benefits, which prevented individuals with disabilities from receiving needed financial support during the COVID-19 pandemic health emergency.

Governor Tony Evers' administration, along with U.S. Senator Tammy Baldwin and Representatives Ron Kind, Mark Pocan, and Gwen Moore, have been advocating for SSDI recipients, sending letters to U.S. Department of Labor Secretary Eugene Scalia, arguing that SSDI recipients out of work due to COVID-19 should not be excluded from receiving PUA benefits, especially during a period of public health emergency.

In my June 9, 2020 letter to Secretary Scalia, I questioned previous guidance and asked for a formal opinion because I recognized the importance of providing urgently needed economic security to people with disabilities. It seemed unlikely that Congress intended the CARES Act to disqualify disabled workers who receive SSDI from PUA; however, I did not want the Department to have to recoup overpayments if DOL ultimately disagreed with my opinion.

I received a response to my letter from Assistant Secretary for Employment and Training John Pallasch July 27, which confirmed my interpretation that receiving SSDI does not disqualify someone from receiving PUA.

If you believe you may be eligible for PUA, I encourage you to apply for benefits at <https://dwd.wisconsin.gov/uiben/pua/apply>. If you have already applied, you do not need to apply again. Your application will be processed under the updated guidance.

Those who are eligible for PUA may be able to receive retroactive benefits to the week ending February 8, 2020, or the first week an individual is out of work due to COVID-19, whichever is later.

While I am pleased to share this news, I apologize for any confusion or hardship caused by the delay in receipt of the necessary DOL opinion.

Sincerely,

Caleb Frostman