

Dept. of Workforce Development: Encourages SSDI recipients whose jobs were affected by COVID-19 to apply for PUA benefits

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MADISON – After receiving awaited official guidance from the U.S. Department of Labor, the Department of Workforce Development (DWD) today encouraged Social Security Disability Insurance (SSDI) recipients whose ability to work was impacted by COVID-19 to apply for Pandemic Unemployment Assistance (PUA) benefits.

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.

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

SSDI is a federal program that provides assistance to working-age individuals who have demonstrated an inability to work at substantial levels. The program encourages program recipients to work to their greatest ability.

Governor Tony Evers and Department of Workforce Development Secretary Caleb Frostman, 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.

The coalition contended that PUA is intended for individuals who are ineligible for regular UI, including those not covered under state law. With Wisconsin law precluding those individuals who receive SSDI from receiving regular UI, they should be covered under PUA. If Wisconsin SSDI recipients otherwise meet COVID-related eligibility, they should not be disqualified from PUA benefits.

Although contrary to initial interpretations, DWD Secretary Caleb Frostman recognized that fighting for PUA benefits for SSDI recipients was urgently important for the applicants' economic security.

"If you lose work through no fault of your own, you should be eligible for Unemployment Insurance or its equivalent," he said. "With today's news, our state's residents who receive SSDI and are out of work due to COVID-19 now have an opportunity to receive partial wage replacement through PUA if they are otherwise eligible."

Secretary Frostman also expressed concern that an interpretation denying SSDI recipients of PUA eligibility would discriminate against those with disabilities, using SSDI as a proxy or as having a disparate impact on individuals with disabilities since all SSDI recipients—by definition—have disabilities.

"We are grateful that DOL's agreement on our interpretation can provide needed relief to SSDI recipients who are eligible for PUA," Secretary Frostman wrote.

PUA provides payments to workers not traditionally eligible for unemployment benefits ([e.g., self-employed, independent contractors, workers with limited work history, etc.](#)) who are unable to work as a direct result of the COVID-19 public health emergency.

For more information on PUA and how to apply, please visit <https://dwd.wisconsin.gov/uiben/pua/#>.

Under the previous interpretation, five individuals were denied PUA benefits. DWD will reprocess their claims and determine their eligibility based on the updated guidance.