

**AMERICAN SAMOA GOVERNMENT  
DEPARTMENT OF HUMAN RESOURCES**



**Pandemic Unemployment Assistance  
&  
Federal Pandemic Unemployment Compensation**

**BENEFITS RIGHTS INFORMATION  
HANDBOOK**

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**READ THIS GUIDE COMPLETELY AND CAREFULLY.**

Failure to follow the instructions in this guide may result in a delay or loss of your benefits. You are required to report as directed, submit required documents in a timely manner, and/or certify for benefits as directed in order to receive benefits. If you have questions regarding any written material in this handbook or have a problem with your claim contact the Department of Human Resources at (684) 633-4485.

**GENERAL INFORMATION:**

This guide provides a general overview of the Pandemic Unemployment Assistance (PUA) and Federal Pandemic Unemployment Compensation (FPUC) programs. You must follow the instructions contained in this handbook to qualify for benefits.

In general, you must meet eligibility requirements each week to receive benefit payments. By certifying for benefits each week, you attest under penalty of perjury that you meet the eligibility requirements for PUA and FPUC. Providing false statements constitute fraud and will result in criminal prosecution. You can be fined and or imprisoned for knowingly making a false statement to obtain PUA and FPUC benefits.

All information is subject to verification. PUA and FPUC benefits are 100% funded by the United States federal government. PUA benefits are payable up to 39 weeks. Your PUA claim begins on the Sunday of the week you became unemployed (partially or totally) or unable or unavailable to work due to the COVID-19 public health emergency, but no earlier than February 2, 2020. PUA benefits are not payable for any weeks of unemployment after December 26, 2020.

The FPUC \$600 additional payments are only payable beginning March 31, 2020 until July 31, 2020.

**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.

**YOUR RESPONSIBILITIES:**

It is your responsibility to give true and accurate answers to any questions asked regarding your initial and weekly claims for PUA and FPUC benefits. Failure to furnish requested information may result in benefits being delayed or denied.

It is your responsibility to keep accurate records of the weeks you claim, payments you receive, the money you earn or the income you receive, and work search contacts you make.

If you move, you must report your new address as soon as possible. You may change your address by calling, e-mailing, or writing to the Division of Employment Services. DO NOT DELAY in reporting these changes.

**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 oversees the PUA program and reimburses the American Samoa Government, Department of Human Resources for both the program administration and benefit payment costs.

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

## WHAT IS 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 under section 2104 of the CARES Act. For more information on the FPUC program, please review Unemployment Insurance Program Letter No. 15-20 (UIPL 15-20) at [https://wdr.doleta.gov/directives/corr\\_doc.cfm?ocn=4628](https://wdr.doleta.gov/directives/corr_doc.cfm?ocn=4628).

However, the time period that a claimant can receive the FPUC supplemental payment is more limited than the duration of the PUA payments. For the AS, FPUC is payable only for weeks of unemployment beginning on or after March 31, 2020. FPUC is not payable to any individual for any week of unemployment occurring after July 31, 2020.

## AM I ELIGIBLE FOR PUA AND FPUC?

PUA and FPUC are available to citizens of the United States, District of Columbia, Puerto Rico, U.S. Virgin Islands, the CNMI, Guam, Republic of Palau, The Federated States of Micronesia, American Samoa. Individuals who are self-employed, those seeking part-time employment, or individuals who were about to start a job but could not begin work because of COVID-19 are also eligible for PUA and FPUC. A list of acceptable COVID-19 related reasons to qualify for PUA are as follows:

- ✓ 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;
- ✓ The individual's place of employment is closed as a direct result of the COVID-19 public health emergency; or
- ✓ The individual is an independent contractor who is unemployed (totally or partially) or is unable or unavailable to work because of the COVID-19 public health emergency has severely limited his or her ability to continue performing the customary job.

## WHO IS NOT ELIGIBLE FOR PUA AND FPUC?

PUA and FPUC are not payable under the following conditions:

- ✓ The individual is eligible for state or federal unemployment benefits in the United States, District of Columbia, Puerto Rico, U.S. Virgin Islands, Guam, Republic of Palau, The Federated States of Micronesia, American Samoa, and The Republic of the Marshall Islands.
- ✓ The individual has the ability to telework their customary work hours with pay.
- ✓ The individual is receiving paid sick leave or other paid leave benefits for his or her customary work hours.
- ✓ The individual's unemployment, partial unemployment, inability or unavailability to work, or loss of self-employment is not due to the COVID-19 reasons stated above.

**YOU MUST MEET THE FOLLOWING ELIGIBILITY CONDITIONS TO COLLECT BENEFITS:**

1. Be totally separated from a regular job or still be attached to an employer but work less than full-time hours because of COVID-19 reasons.
2. If you are working part time, you must earn less than the WBA. For more information, see Partial/Part-Total Claims, below.
3. You must complete, sign, and submit Claim Certifications on a weekly basis to request payment of benefits while unemployed.
4. You must report all income or wages earned from work for each week that you certify, including pensions or retirement pay, even if you do not receive the actual payment on your claim form or request for payment.
5. If self-employed, you must report gross income from for each week that you certify. Include all wages, commissions, and tips.
6. Be Physically and Mentally Able to Work.
7. Be ready and willing to Seek and Accept Work that you are reasonably fitted for by training or experience without any undue restrictions.
8. Make three or more work search contacts every week. Keep a record of all your work search contacts on and submit when requested.
9. Report for Required Interviews -- Respond immediately whenever the Department of Human Resources contacts you regarding your claim or report as scheduled.
10. Be a U.S. citizen, citizen or legal resident of American Samoa, CNMI, Federated States of Micronesia, Guam, Republic of Palau, Republic of the Marshall Islands, or qualified aliens under the U.S. Immigration and Nationality Act (INA).

**I AM NOT A UNITED STATES CITIZEN, AM I ELIGIBLE FOR PUA BENEFITS?**

Individuals who wish to receive PUA benefits must provide proof of identity and demonstrate their status as U.S. citizens, U.S. non-citizen nationals, or qualified aliens. This is irrespective of territory law eligibility criteria for regular unemployment benefits. Status will be verified before PUA benefits can be paid. Qualified aliens include:

- ✓ Legal permanent resident (“green card” holder);
- ✓ An asylee, refugee, or an alien whose deportation is being withheld;
- ✓ Alien paroled into the U.S. for at least one year;
- ✓ Alien granted conditional entry (per law in effect prior to April 1, 1980);
- ✓ Cuban/Haitian entrant;
- ✓ Aliens in the U.S. who have been abused, subject to battery or extreme cruelty by a spouse or other family/household member, or have been a victim of a severe form of human trafficking; and
- ✓ Aliens whose children have been abused and alien children whose parent has been abused who fit certain criteria.

**WHAT IS MY WEEKLY BENEFIT AMOUNT?**

Your weekly PUA benefit amount is \$182. This is a fixed amount determined by the U.S. Department of Labor. You will receive this amount, minus applicable deductions and partial earnings, each week if you meet all eligibility requirements.

If you are eligible to receive at least \$1 of PUA benefits for the week, you will also receive an additional weekly \$600 payable from the FPUC program. Please note that if you are disqualified for PUA benefits for the week, you will not receive an FPUC payment for that week.

**WHAT WEEK ENDING DATE(S) DO I FILE?**

Unless otherwise specified, a “week” means a calendar week that starts on Sunday and ends on Saturday. A week claimed is referred to by the week ending date or the Saturday of that week. Once you file a new claim or reactivate an unexpired claim, you must certify weekly or biweekly to request PUA/FPUC payments.

Record your claim certifications filed and payments on a calendar. Note: If you stop filing claims for two or more consecutive weeks, you must reactivate your claim to resume filing. Only claims filed after the reactivation are properly filed so any prior weeks may be denied. (See Additional Claim or Reopened Claims section for more details.)

## WHEN DO I FILE?

For weekly filing, you certify for the past Sunday to Saturday period. The claim must be filed within seven days from the end of the certification period or benefits may be denied for late filing.

Example A: You are filing for the one-week period ending on Saturday, 8/23 (week began on Sunday, 8/17). You have seven days, 8/24 through 8/30 (shown in gray) to timely file your claim certification.

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

When filing biweekly, you are certifying for the prior two weeks that started on Sunday in the first week and ends on Saturday in the second week. The claim must be filed within seven days from the end of the two-week period or benefits may be denied for late filing.

Example B: You are filing for the two-week period from Sunday, 8/10 thru Saturday, 8/23. You have seven days, 8/24 through 8/30 (shown in gray) to timely file your bi-weekly claim certification.

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

**IMPORTANT:** When you file for a bi-weekly period, you must file for each week separately. You should start with the first week, answer all questions relating to the first week, and submit. Continue the same process for the second week. You must file for both the first week and the second week to get paid for two weeks.

## HOW SOON CAN I EXPECT MY FIRST CHECK?

You can receive your first check in about three weeks after you file your new claim if claim certifications are filed timely, all eligibility requirements are met, and no disqualification is in effect. Conversely, any situations that raise conflicts with the law will delay payment pending a fact-finding investigation. If your claim is denied, you will not be paid.

## WHAT IF I RETURN TO WORK?

As soon as you are back to work, report your employment, including hours worked and gross earnings for the week (even if not yet paid) on your next claim certification. If you earn less than your WBA during the week that you return to work (provided you did not work full-time hours), PUA/FPUC payment will be your WBA minus your gross earnings that is more than \$150. A fraud determination can be made if you do not report gross earnings from work in the same week that you collect PUA/FPUC benefits.

## ARE EARNINGS FROM EMPLOYMENT DEDUCTED FROM MY PUA AND FPUC BENEFITS?

Yes. All payments for services from whatever source, including commissions and bonuses, tips or gratuities paid directly to an individual by a customer of the employer and reported to the employer, and the cash value of all payments in any medium other than cash are considered wages. Gross earnings (before taxes) from all employment, including part-time, intermittent, or on-call that do not exceed your PUA Weekly Benefit Amount are deductible from your PUA/FPUC benefits. You and your employer are responsible for correctly reporting your gross earnings for each week that you certify for benefits even if you have not yet been paid. The first \$150 in wages is disregarded and will not affect your PUA/FPUC payment.

Example A: PUA WBA = \$182. Earnings from working 25 hours for the week = \$500. Subtract the \$150 wage disregard from earnings (\$500 - \$150=\$350). Since your earnings exceed the PUA WBA, you are considered employed and ineligible for PUA and FPUC benefits.

Example B: PUA WBA = \$182. Gross earnings for the week = \$331 Subtract the \$150 wage disregard from earnings (\$331 - \$150=\$181). \$183 is deductible from the PUA WBA (\$182-\$181= \$1). This \$1 is payable together with \$600 FPUC for a total of \$601.

Note: There are no deductions made to the FPUC \$600 benefit. Only PUA benefits are subject to deductions.

## **WHAT ARE MY APPEAL RIGHTS?**

If you are denied benefits and disagree with the issued "Notice of Decision on Pandemic Unemployment Assistance Claim," you may request reconsideration and/or file an appeal to the Department of Human Resources by submitting the Request for Reconsideration and/or Appeal Form and all relevant documents to the appropriate office.

Reconsideration means that the Division of Employment and Training will review its prior determination and consider any new information. Requests for reconsideration must be delivered to the American Samoa Department of Human Resources within ten (10) calendar days after the determination or redetermination was mailed to you. Requests for reconsiderations can be dropped off in person ASG Executive Office Building, Department of Human Resources, 2<sup>nd</sup> Flood, Room 102 or electronically mailed to [hearingpua@hr.as.gov](mailto:hearingpua@hr.as.gov)

Appeal means the Administrative Hearing Office will hold an administrative hearing and consider all relevant evidence to determine if the determination was correct. Appeals must be submitted to the Administrative Hearing Office within ten (10) calendar days after the determination or redetermination was mailed to you. The appeal period may be extended to 30 calendar days by a showing of good cause. Appeals may be filed in person ASG Executive Office Building, Department of Human Resources, 2<sup>nd</sup> Flood, Room 102 or electronically mailed to [hearingpua@hr.as.gov](mailto:hearingpua@hr.as.gov) If you file a request for reconsideration or appeal, do not stop filing your claim certifications.

## **ARE PUA AND FPUC BENEFITS TAXABLE?**

PUA and FPUC benefits may be taxable in the U.S. The AS Department of Treasury will send you a Form 1099-G in January showing the total benefits paid and any federal or territory income taxes withheld in the previous calendar year. In addition, as no adjustments are made for repayments of overpaid benefits, you need to keep your receipts of the repayment for your tax returns. Submit any address change(s) to the Department of Human Resources to receive your Form 1099-G.

## **CAN CHILD SUPPORT BE DEDUCTED FROM PUA AND FPUC?**

Yes. The American Samoa Office of the Attorney General enforces court-ordered child support obligations and can intercept PUA and FPUC benefits. The amount deducted is based on an order or orders for income withholding. The deductions may be limited to the maximum allowable under federal law.

Note: Please consult territory law for Child support intercepts.

## **ADDITIONAL OR REOPENED CLAIMS**

If you stopped filing claim certifications because you returned to work and were separated within your unexpired benefit year, file an additional claim to reestablish your eligibility for benefits. You must also file an additional claim if you have a partial or part-total claim and become separated from that employer. Reopen your claim if you stop filing claim certifications for two or more consecutive weeks for reasons other than employment. To reopen a claim, you may file via telephone, online or by picking up/dropping off an application at the AS Department of Human Resources. An additional or reopened claim is reactivated effective from the week in which it is filed, and any weeks filed prior to the reactivation may be denied.

## **PARTIAL CLAIMS**

If you are still attached to your regular employer, worked less than your full-time hours, and earned less than your weekly benefit amount of \$182 plus the earnings disregard of \$150, you may be eligible for partial unemployment benefits, which can be backdated up to 28 calendar days to a week of less than full-time employment. On the contrary, if the claimant reports earnings in excess of \$332 ( the total of \$182 plus \$150) the earnings disqualify the payment of benefits for the week and therefore the claimant is not entitled to benefits for that week.

After filing your application, "Verification of Partial Unemployment Status", will be mailed to your employer. The employer must verify that you have a definite return to work date, is maintain your medical insurance plan or sick leave/vacation credits or you will be schedule

to work reduced hours each week due to lack of full-time work to qualify for partial unemployment status. If your employer does not respond within 5 working days or does not confirm your partial unemployment status, you will be required to change your status, register for work and begin making work search contacts. You must accept all work offered by the employer and file your weekly claim certifications online, for periods of no work or less than full-time work, within 28 days from the week ending date. In addition to filing weekly claim certifications, your employer must report your hours and earnings, employment status, and availability for work offered by (completing and submitting a "Request for Separation Information – PUA Form" to the ASG Executive Office Building, Department of Human Resources, 2<sup>nd</sup> Floor, Room 102 or electronically mailed to [hearingpua@hr.as.gov](mailto:hearingpua@hr.as.gov)

If you have questions concerning your claim or any of the instructions in this Guide, please contact the Department of Human Resources, Employment & Training Division, at (684) 633-4485.