

From: [Keckhaver, John E - DWD](#)
To: [Banicki, Amy - DWD](#); [Reihl, Mark S - DWD](#)
Cc: [Williams, Danielle E - DWD](#)
Subject: RE: UI for person with SSDI
Date: Tuesday, April 28, 2020 3:14:49 PM
Attachments: [image001.jpg](#)

Thanks.

From: Banicki, Amy - DWD [REDACTED]
Sent: Tuesday, April 28, 2020 3:14 PM
To: Keckhaver, John E - DWD [REDACTED]; Reihl, Mark S - DWD
[REDACTED]
Cc: Williams, Danielle E - DWD [REDACTED]
Subject: RE: UI for person with SSDI

Yes, that is our interpretation. We based that on the DUA regulations, which say that social security payments are disqualifying for DUA if they are disqualifying for regular state UI. The DUA regulations apply to PUA if the CARES Act is silent on the issue.

From: Keckhaver, John E - DWD <[REDACTED]>
Sent: Tuesday, April 28, 2020 2:59 PM
To: Reihl, Mark S - DWD <[REDACTED]>; Banicki, Amy - DWD
[REDACTED]
Cc: Williams, Danielle E - DWD <[REDACTED]>
Subject: FW: UI for person with SSDI

Please see this question from Leg. Council and let me know if that's your interpretation too.
Thanks.
John

From: Kelley, Margit S - LEGIS <[REDACTED]>
Sent: Tuesday, April 28, 2020 2:47 PM
To: Keckhaver, John E - DWD [REDACTED] <[REDACTED]>
Cc: Hurley, Peggy - LEGIS <[REDACTED]>
Subject: RE: UI for person with SSDI

Hi John,

I noticed that the U.S. Department of Labor issued some guidance late yesterday, [UIPL No. 16-20](#). It doesn't directly address the PUA interaction with disability payments, but it says that in instances where the guidance and other specific guidance are silent, then state law should be applied.

In this case, it doesn't appear that DUA and the other CARES Act guidance address disability payments, and state law doesn't allow unemployment benefits in the same month that SSDI is received. I would take that to mean that without a change in state or law or further federal guidance, the pandemic unemployment assistance does not appear to be available for a person receiving disability payments.

Do you know if this is being read the same way at DWD? Thank you for sharing any thoughts or info that might be available on this!



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From: Keckhaver, John E - DWD <[redacted]>
Sent: Monday, April 20, 2020 2:11 PM
To: Kelley, Margit [redacted]
Cc: Hurley, Peggy <[redacted]>
Subject: RE: UI for person with SSDI

Hi Margit,
I'm getting a lot of that question, too, yes. Our UI folks have reached out to DOL and have not received an answer yet on that one.
I'll be in touch as soon as we know!
John

From: Kelley, Margit S - LEGIS [redacted]
Sent: Monday, April 20, 2020 1:59 PM
To: Keckhaver, John E - DWD <[redacted]>
Cc: Hurley, Peggy - LEGIS <[redacted]>
Subject: UI for person with SSDI

Hi John,

We've gotten questions from more than one legislative office about the limitation on receiving unemployment benefits in the same month that a person receives an SSDI payment. We've been able to point them to the statutory provision, and have said that for state law purposes a state law change would be needed to waive that provision.

However, it occurs to me that there's a slight, though perhaps very slim, chance that a person who receives SSDI could be eligible for the PUA, pandemic unemployment assistance,

under the CARES Act, for persons who otherwise would not be eligible for regular unemployment. Do you know if there's been any talk or consideration of that, as a possibility? It's not explicitly addressed in US DOL's UIPL No. 16-20, but that is broadly worded.

I'm sure you're swamped, and we appreciate you checking into this or passing it along!



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