



July 27, 2020

Mr. Caleb Frostman
Secretary
State of Wisconsin
Department of Workforce Development
P.O. Box 7946
Madison, WI 53707

Dear Secretary Frostman:

The U.S. Department of Labor (Department) received your letter regarding Coronavirus Aid, Relief, and Economic Security (CARES) Act, Pandemic Unemployment Assistance (PUA) eligibility for State of Wisconsin recipients of Social Security Disability Insurance (SSDI) payments. Your correspondence was forwarded to the Department's Employment and Training Administration (ETA) for response. ETA is responsible for administering the federal-state Unemployment Insurance (UI) program within the Department.

Wisconsin's state law provides that an individual is "ineligible for benefits" for each week in the month in which an individual receives SSDI.¹ Wisconsin interprets this provision of its law as a prohibition on receiving regular unemployment compensation (UC) for individuals receiving SSDI.² The plain language text of the Wisconsin law, and the Department's understanding of the State's interpretation of its law, would disqualify individuals who receive SSDI from eligibility for regular UC. Because these individuals are ineligible for regular UC, they meet the PUA eligibility requirement of "not eligible for regular compensation." Therefore, if they are unemployed, have reduced employment, or are unable to work or are unavailable to work due to one of the specified COVID-19 reasons outlined in the CARES Act or the Department's guidance in UI Program Letter No. 16-20, they may be eligible for PUA benefit.³

Because Section 2102 of the CARES Act does not provide for the treatment of other income an individual may have, the Disaster Unemployment Assistance (DUA) regulations govern this issue. The DUA regulation at 20 C.F.R. 625.13(a)(6) provides that the prorated amount of SSDI an individual receives is required to be deducted from DUA payments but only to the extent that this benefit would be reduced under the applicable state law. Under Wisconsin law, SSDI income is not reduced from an individual's entitlement to regular UC because, under the State's law, an individual is ineligible for any UC if they are receiving SSDI. Therefore, it appears that under Wisconsin law, SSDI income would not be reduced from an individual's DUA (or PUA) entitlement.

¹ See Wis. Stat. Ann. § 108.04(12)(f)a (West 2020).

² See Wis. Stat. Ann. § 108.04(12)(f) (West 2020).

³ Accessible at https://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=4628.

Thank you for your commitment to ensuring that payments of PUA are consistent with the applicable state and federal laws and regulations for this program. If you have any additional questions, please contact ETA at

Sincerely,

A handwritten signature in blue ink, appearing to read "John Pallasch". The signature is fluid and cursive, with the first name "John" being more prominent than the last name "Pallasch".

John Pallasch
Assistant Secretary for Employment and Training