

# Disability During Unemployment Program

Benefits are paid under New Jersey's Disability During Unemployment program to covered workers who have been unemployed for more than two weeks and become totally unable to work due to a non-work related illness or disability. It is also called the 4F program because it was established by section 4(f) of the state's Unemployment Compensation Law.

Covered workers who become sick or disabled while employed are insured by the State Temporary Disability Plan or an approved Private Plan.

To qualify for DDU benefits, you must:

1. Otherwise be eligible for unemployment benefits, except for your disability.
2. Be under the care of a legally licensed physician, dentist, optometrist, podiatrist, chiropractor, psychologist, or advanced practice nurse.
3. File a claim within 30 days of the start of your disability. Late filing, without good cause, may result in a reduction of benefits. Use Form DS-1, "Claim for Disability Benefits," to claim disability benefits during unemployment. You may obtain this form from employers or from the Disability During Unemployment office (contact information is on the back of this pamphlet). Or you may download a form from our Website at [www.nj.gov/labor](http://www.nj.gov/labor). Go to "Temporary Disability."

## WAGE RECORD SYSTEM

Your claim will be processed under the Wage Record System. Your New Jersey employers will have already submitted your wage data to us. The system will calculate your monetary determination based on the reported wage information.

Your monetary determination will be mailed to you and will list all New Jersey subject employers for which you worked during your base period, as well as the wages they reported for you.

Review the monetary determination carefully as soon as you receive it. If you disagree with the indicated monetary entitlement, or if any employer information is incorrect or incomplete, you should file a written appeal. For important information about filing an appeal, refer to the section on "Your Right to Appeal."

## WAGE REQUIREMENTS

In order to have a valid Disability During Unemployment claim, you must have been paid a certain minimum wage amount while in a job covered by New Jersey's disability insurance program during the base period of your claim.

The base period is the first four calendar quarters of the last five completed calendar quarters before the date of your claim.

If you file a claim for a disability that began on or after January 1, 2018, the claim will be valid if you earn, in covered employment in each of 20 or more calendar weeks, at least the base week amount of \$169. In the alternative, your claim will be valid if you earned at least \$8,500 in covered base-period employment.

If your claim is invalid using the above requirements, you will be notified of alternative base-year requirements that can be used to establish a valid claim.

## **BENEFITS PAYABLE**

You receive 60% of your average weekly wage up to a maximum of 56 2/3% of the statewide average weekly wage. For a disability that begins on or after January 1, 2018, the maximum weekly benefit rate is \$681. If you are not entitled to the maximum weekly benefit rate, you may be eligible for a dependency allowance.

You are entitled to one week of potential benefits for each base week during which you worked in covered employment, up to a maximum of 26 weeks.

If you have an unemployment insurance claim and become disabled while unemployed during the benefit year, you may be paid Disability During Unemployment benefits against that claim. To avoid a delay in receiving benefits, mail Form DS-1, "Claim for Disability Benefits," promptly to the Division of Temporary Disability Insurance. In general, you will receive the same weekly benefit amount as you received in unemployment benefits. If you do not have a current unemployment insurance claim, filing a valid Disability During Unemployment claim will start a benefit year for you.

The maximum that you can collect in unemployment insurance and Disability During Unemployment benefits combined is one and one-half times the maximum benefit amount on your claim.

Benefits are paid for calendar weeks, beginning Sunday and ending Saturday.

## **DEPENDENCY ALLOWANCE**

If you do not qualify for the maximum weekly benefit rate, you may be entitled to a dependency allowance. Dependency benefits are payable at 7% of your basic weekly benefit rate for your first dependent, and then at 4% for each of the next two dependents (you may claim no more than three dependents). **If your spouse or civil union partner is employed during the week your claim takes effect, you will not be eligible for a dependency allowance.**

Individuals who qualify as dependents include an unemployed spouse or civil union partner, and unemployed, unmarried children (including a stepchild or legally adopted child) under the age of 19, or under the age of 22 if attending a public or other nonprofit educational institution full time. **You are required to provide proof of dependency.**

## **LIMITATION OF BENEFITS**

No benefits are payable under the Disability During Unemployment program:

- for any period of less than seven consecutive days.
- for any period during which you would be disqualified under the Unemployment Compensation Law.
- for voluntarily quitting your job, termination due to misconduct or gross misconduct, refusal of suitable work, or fraud.
- for any period during which you perform any work for remuneration or profit.
- for any period during which you would be disqualified under the Unemployment Compensation Law for participation in a labor dispute, unless the disability began prior to this labor dispute.
- for any period of disability due to willfully and intentionally self-inflicted injury, or injury sustained while committing a crime of the first, second, third, or fourth degree under the New Jersey Code of Criminal Justice.

## **NONDUPLICATION OF BENEFITS**

In addition to the above limitations, the law also prohibits the payment of disability benefits:

- for any period in which benefits are paid or payable under any unemployment compensation or similar law, or under any disability or cash sickness benefit or similar law, of this state or any other state, or the federal government.
- for any period during which workers' compensation benefits are paid or payable, other than for permanent partial or permanent total disability previously incurred. If a workers' compensation claim is contested, temporary disability benefits may be paid, subject to reimbursement from any workers' compensation award obtained.

Also, Disability During Unemployment benefits must be reduced if you are concurrently receiving any government or private retirement, pension, or allowance to which any base-year employer contributed in your behalf.

## **IMPARTIAL MEDICAL EXAMINATIONS**

You may be required to submit to a physical examination by a state-appointed physician to support your disability claim. There is no cost to you. However, failure to submit to an examination is cause for the denial of further benefits.

## **RECOVERY**

When you recover from your disability, you must contact the Disability During Unemployment office. If you are able and available for work, you may apply for unemployment insurance benefits. Find further instructions online: [www.nj.gov/labor](http://www.nj.gov/labor), then click on "Unemployment Insurance."

## **YOUR RIGHT TO APPEAL**

If you disagree with a determination on your benefits, you have the right to file an appeal. You must submit your appeal in writing within seven calendar days after delivery or within 10 calendar days after the mailing of the determination. Mail your appeal to the Disability During Unemployment office (see contact information below). Your appeal must contain your name, Social Security number, address, and telephone number.

## **VOLUNTARY TAX WITHHOLDING**

Disability During Unemployment benefits are subject to federal income tax. You may voluntarily have 10% of your weekly benefits withheld. Learn more about this service in publication BC-103, "Taxation of Unemployment Benefits & Voluntary Tax Withholding," or contact the Disability During Unemployment office (see contact information below).

**Disability During Unemployment  
Division of Temporary Disability Insurance  
New Jersey Department of Labor and  
Workforce Development  
PO Box 956  
Trenton, NJ 08625-0956**

**Claims Information: (609) 292-3842 or (609) 292-3349**

**Fax: (609) 292-9209 or (609) 292-2868**