

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

68-0157 (9-06) - 3091078 - EI

**TERRY L CUMMINGS**

Claimant

**APPEAL NO. 10A-DUA-00011-SWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

FEDERAL UNIT  
ADMINISTRATIVE OFFICE

**Disaster Declaration Date: 06/06/10  
Declaration #: 1930  
Claimant: Appellant (1)**

20 CFR 625.4 - Unemployment Caused by a Major Disaster

**STATEMENT OF THE CASE:**

The claimant appealed a Disaster Unemployment Assistance (DUA) decision dated September 7, 2010, that concluded the claimant was ineligible to receive DUA because the claimant was not unemployed as a result of a major disaster. A telephone hearing was held on November 29, 2010. The claimant participated in the hearing. Exhibit A-1 was admitted into evidence at the hearing. Based on the evidence, the arguments of the claimant, and the law, the following findings of fact, reasoning and conclusions of law, and decision are entered.

**ISSUE:**

Is the claimant unemployed as a result of a major disaster?

**FINDINGS OF FACT:**

The claimant filed an application for DUA on September 7, 2010, with an effective date of June 6, 2010. The claimant is a self-employed farmer. The claimant has a 311-acre farm in Clarke County, Iowa, which was not declared a major disaster area by presidential declaration. The farm is very close to the Lucas County border, which was declared a presidential disaster area.

Starting in June 2010, heavy rains caused flooding on the claimant's farm and damage to the crops. The disaster conditions caused over 40 percent of the claimant's crops to be lost completely or severely damaged.

**REASONING AND CONCLUSIONS OF LAW:**

"The Robert T. Stafford Disaster Relief and Emergency Assistance Act" includes a program for the payment of unemployment assistance benefits to individuals unemployed as a result of a major disaster. See 42 USC §§ 5177, 5189a; 20 CFR Part 625.

An unemployed self-employed individual is defined as "an individual who was self-employed in or was to commence self-employment in the major disaster area at the time the major disaster began, and whose principal source of income and livelihood is dependent upon the individual's

performance of service in self-employment, and whose unemployment is caused by a major disaster as provided in § 625.5(b).” 20 CFR § 625.2(t).

A “major disaster” is defined as “a major disaster as declared by the President pursuant to section 401 of The Robert T. Stafford Disaster Relief and Emergency Assistance Act.” 20 CFR § 625.2(k).

Although I understand the claimant’s argument that conditions on his farm in Clarke County were no different than the conditions in nearby Lucas County, which was declared a federal disaster area, the law and rules only permit benefits to be awarded to a person who is employed in a major disaster area declared by the President. The claimant was not, so he is ineligible for unemployment insurance benefits.

**DECISION:**

The DUA decision dated September 7, 2010, is affirmed. The claimant is ineligible to receive DUA benefits.

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Steven A. Wise  
Administrative Law Judge

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Decision Dated and Mailed

saw/kjw