

NY Sen. Brian Kavanaugh Urges NYSDOL to Reconsider UI/PUA Qualifications for Americans Trapped Overseas due to COVID-19

Americans Overseas are Suffering Because NYDOL Automatically Denies them Pandemic Unemployment Assistance

OK 2020.09.01-- New Yorkers Abroa...



September 1, 2020

Roberta Reardon, Commissioner
New York State Department of Labor
Building 12
W.A. Harriman Campus
Albany, NY 12240

By Email and U.S. Mail

Dear Commissioner Reardon:

As New Yorkers continue to face economic insecurity brought on by unemployment as a result of COVID-19, we appreciate the great lengths to which the Department of Labor has gone to ensure that New Yorkers receive the benefits they deserve. Processes have been improved and policies that existed under normal circumstances have been updated to account for new realities during the pandemic.

Changes such as removing the application verification by phone and the one-week waiting period, amending forfeiture penalties, and expanding eligibility among self-employed individuals have positively impacted the lives of tens of thousands of people.

We are now hearing from constituents regarding another gap in the manner in which unemployment benefits are being administered that we believe should be reconsidered in the face of the ongoing public health crisis. There are a significant number of long-term residents of New York who have been stuck abroad due to health concerns, caregiving responsibilities, travel restrictions, or simply a lack of funds to return to the United States. These individuals are currently without any hopes of receiving benefits they would otherwise be entitled to if they were in New York.

We understand that the standard approach would be to deny unemployment benefits to these individuals because they are not in the state and therefore are not "available to work" here, but we believe that this factor should be considered differently given the global disruption that the pandemic has caused. Any concern about the appropriateness of granting benefits to New Yorkers currently not physically in the state can be addressed without categorically denying benefits to all applicants who find themselves in that circumstance. We ask that as an emergency



New York City, Sep 8, 2020 ([Issuewire.com](https://www.issuewire.com)) - This week, New York State [Senator Brian Kavanagh](#), along with seven other New York Senators, sent a letter to the NYSDOL asking them to reconsider their qualifications to receive Unemployment Insurance for Americans trapped abroad due to COVID-19.

Hundreds of New Yorkers, as well as residents from various other states, have been denied Unemployment Insurance and [Pandemic Unemployment Assistance solely](#) because they are outside of the U.S./Canada. Some of these Americans are stranded due to border closures and [travel bans](#) enacted during the pandemic. Many have multiple citizenship or work visas and were working from abroad before the pandemic hit. Some of them are now able to return home but have no funds to do so and no work to return home to.

Pandemic Unemployment Assistance is a special program and does not require U.S. residency as the legislation was solely intended to help Americans who lost work, became ill, or had ill family members due to COVID-19. These Americans affected by COVID-19 and desperate for financial assistance, are being singled out by the Department of Labor. They have been accused of committing fraud and of willful misrepresentation when all were honest about their locations and their circumstances. This is because each state DOL flags out of country applications as fraud due to the [Interstate Benefit Payment Plan](#) agreement. The IBPP is neither an actual statute of law nor part of the [CARES Act](#), but it is the rationale being used to deny these tax-paying Americans much needed monetary relief. It goes against precedent as well, as New York's Unemployment Insurance Appeals Board has [approved](#) Americans for unemployment insurance who were in countries for business trips or vacations where they had the right to work.

The NYDOL and other state DOLs are refusing to acknowledge extenuating circumstances in extraordinary times and are callously leaving Americans to suffer in the middle of a global pandemic and economic collapse. The stories of these affected Americans vary, but Covid-19 is the common denominator in their absence from the U.S.

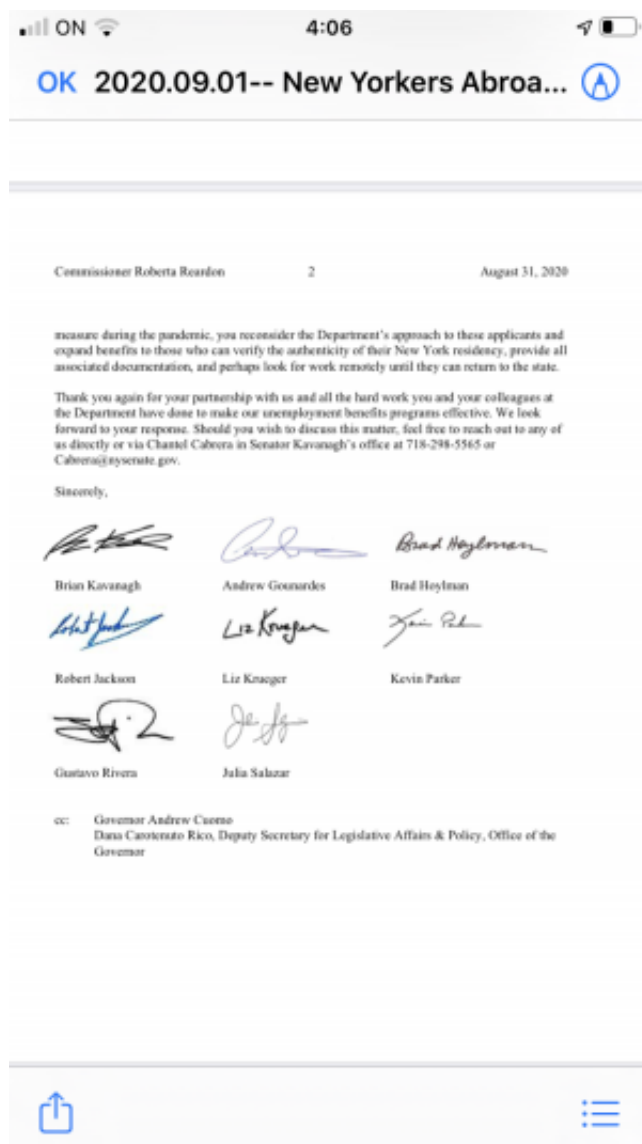
One is in Spain for a research opportunity and is caring for his mother who has Covid and cancer. He cannot abandon his mother to come back to the US to meet these absurd requirements, not should he be expected to. There are currently travel restrictions between Spain and the United States, making travel a non-option. PUA was designed to include specific provisions for those taking care of others with COVID-19, but somehow that criterion was thrown out by the State when he was denied. He and his mother now face homelessness and hunger.

One is a U.S./Italian citizen who was working remotely for a New York state nonprofit that was forced to shut down its activities due to park closures when the pandemic hit. Back in April she wasn't sure if she qualified for PUA so she called the NY Department of Labor who actually encouraged her to apply. Her doctor advised her not to fly back to the U.S. because she has asthma, which predisposes her to catching COVID. Like other New Yorkers, she cannot report to an unemployment office in a U.S. jurisdiction right now because they remain closed. The excuse the NY DOL has used to deny overseas claimants is that they must be in the U.S. to report in-person to an unemployment office, though these offices are closed due to Covid. She should not have to risk her life to travel now when it is so dangerous for pre-existing conditions.

One is a Hells Kitchen, Manhattan resident with a work visa in Colombia whose flight home was cancelled. She had a fair hearing and said the judge was like a machine, that there was no empathy or wanting to listen to her personal situation. She faces homelessness and starvation in Colombia with no way home to the United States, while she waits for the New York Unemployment Appeal Board to review her case.

Another was with her spouse visiting his family in Costa Rica when the pandemic hit. She had a project lined up in mid-March in the U.S. but her industry shut down and is still slowly starting up again. She is without a job, cannot afford to pay her bills or travel home, and faces hunger and homelessness if she cannot get PUA.

There are many others trapped in equally horrific circumstances. All have been fighting their denials and are awaiting hearings in front of a judge. They have all waited too long and are hoping the DOL will listen to their pleas. All of these hard-working Americans need help as soon as possible to alleviate additional suffering.



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