

Pisgah Legal Services: Benefits COVID-19 Update

This guide points towards help during this difficult time. This is **not** legal advice. The guide does not cover every situation you may face. If you need additional help, contact Pisgah Legal Services at (800) 489-6144 or apply online at pisgahlegal.org.

- (1) **Food stamps (FNS): put money for food in your pocket--quickly.** You might get benefits in as quickly as 7 days if you lost income due to Coronavirus. You apply online with ePASS (epass.nc.gov), by filling out a paper application and mailing it in, or by calling your county's Health and Human Services Office.

Normally, DSS figures the amount you get based on a complicated process. Because of coronavirus, at least for May (maybe longer), any household that qualifies at all is getting the maximum amount for the number of people in the household.

Household Size	Max Benefit
1	\$194
2	\$355
3	\$509
4	\$646
...	...
8	\$1,164
Each Additional Member	(+146)

In addition, households with children who normally receive free/reduced lunch will receive additional P-EBT (Pandemic EBT) money per child. Households already on FNS will receive the money on their existing card. Households not currently on EBT will receive a new EBT card in the mail.

For now, work requirements for "Able Bodied Adults Without Dependents" (ABAWD) are suspended. People who had 3 months of benefits and got cut off for not meeting work requirements should apply. No one should be getting recertification requests. If you get one, contact Pisgah Legal Services.

For now, the Substance Abuse treatment requirement for people convicted of an NC class H or I controlled substance felony is suspended until their next certification (in some cases, this may be longer than 6 months). These individuals must still wait 6 months post-release (or post-conviction if never incarcerated) to become FNS eligible.

FNS overpayment collections have been suspended – this means payments made by individuals making monthly payments to their county DSS office for an overpayment are not currently owed and those who receive FNS benefits with a \$ or % amount reduction to pay their overpayment should be receiving the entire amount. If an individual has been referred to the IRS or NC DOR for tax offset, their tax refund (but not their stimulus check) may still be captured to pay back their overpayment.

- (2) **Unemployment is the best chance of getting enough money to pay some of your bills.**

Apply at des.nc.gov. The state is taking applications for state unemployment insurance benefits, and as of April 24th, is processing applications for special unemployment situations covered by the CARES Act (like self-employment or independent contractors). For the special unemployment, you must show that you are not working because of something related to COVID-19: you got sick, your job closed, you must care for a child whose school is closed, or other things. The state has said benefits will be paid retroactively.

- (3) **Work first cash assistance (TANF)** terminations have been suspended, and most families whose benefits were terminated from March 31, 2020 forward will be reinstated as of April 1, 2020.
- (4) **Medicaid and the ACA are still available if you need health insurance.**
Apply for Medicaid by calling your county's DSS office (Buncombe: 828-250-5500), apply online via *Epass*, or by downloading and mailing an application. If you already get Medicaid, the state **cannot** terminate or reduce your benefits unless you move out of state or ask for your Medicaid to be terminated. This lasts until the emergency is over. If you are not eligible for Medicaid, but your employment situation has recently changed or you have had another major life event (getting married, having a baby, losing health coverage, etc.), contact Pisgah Legal Services at 828-210-3404 to see if you qualify for health insurance under the ACA.
- (5) **Social Security:** New Social Security claims are still going on. If you are trying to qualify for retirement or disability benefits, your case will go on. But it may go more slowly. If you have a hearing with an Administrative Law Judge, you can take part by phone or request to wait for the emergency to end and have a video or in-person hearing. Also, Social Security has put on hold some actions that would cut people off benefits or reduce their check to collect on an overpayment. If you get denied or your benefits are terminated or reduced, call Pisgah Legal Services.
- (6) **The \$1200 stimulus checks will come automatically for most people.** However, if you receive non-taxable VA benefits or you receive Social Security benefits and you have a qualifying child in your household, or if you were not required to file taxes in 2018 or 2019, you may have to file extra paperwork to receive it. Some people have deadlines for filling out that paperwork. You can fill out the paperwork at <https://www.irs.gov/coronavirus/non-filers-enter-payment-info-here>.
- (7) **If you are working, you can get up to two weeks of paid sick leave for Coronavirus and up to ten more weeks paid to take care of a child whose school has closed.** The amount that you get may not be your full pay rate.

Even in normal times, it can be very difficult to get public benefits. Now, more people are applying for services, and the state has not hired enough staff to make sure that things go smoothly. Here are a few tips to help you through:

Tip 1: Keep pushing. The state's unemployment website is overloaded and it can be difficult to get through by phone. Most offices are closed to the public. But you have to apply in order to get benefits. Be persistent and safe.

Tip 2: Keep proof. If you speak with someone, write down their name, title, phone number, the date, and what they said. If you do something online, take a screenshot of your application or any messages you get. If you turn papers in, keep a copy for yourself and get proof that you turned them in. If you mail something, send it certified or with tracking if you can afford it. If you get a letter from an agency, keep it in a safe place.

Important Note: These programs can accuse people of fraud, sometimes years later. Having and keeping paperwork helps fight allegations of fraud.

Tip 3: Get all the applications going. Don't wait on unemployment to come. You can also apply for Food Stamps, Medicaid, and other benefits. You don't know when you will actually get benefits, so apply as soon as possible for everything you may qualify for.

Tip 4: Appeal if you are denied but you think you should qualify. Each kind of program has a different time period for you to appeal. Read the letter closely. Keep a copy of it. Turn in your appeal before any deadlines and get proof that you turned it in.

Tip 5: Call Pisgah Legal Services if you can't get benefits. We will help as best as we can. There are more people that need help than we can serve. So, we might not be able to give you a lawyer for your case from start to finish. Even if we can't take your case, we will try to give you specific advice on your issue. Contact us at (828) 253-0406.

Tip 6: Let DSS know if you end up getting unemployment. Programs like food stamps have income limits. Unemployment can count against those limits. So, if you get unemployment, you should let DSS know. That way, DSS can stop or reduce your food stamps if you are no longer eligible. If you do not let DSS know, you may have to pay them back if your income no longer qualifies you for food stamps.

Important Note: The \$600 per week of extra unemployment will **not** count as income for Medicaid or NC Health Choice.

Important Note: The \$1200 stimulus check will not count against you for SNAP, Medicaid, NC Health Choice, or SSI.

Important Note: You have a responsibility to report your income. If you do not timely report changes to your household income you may be assessed a food stamp overpayment. Ask your food stamp caseworker to explain the income reporting rules to you if you are approved for benefits.

Tip 7: Share your story. Everyone has the right to speak with reporters or elected officials. Sharing your story can help them understand what's going on.

Food and Nutrition Services (Food Stamps, “FNS”):

You can use FNS to buy groceries. The Department of Health and Human Services runs FNS, and you get benefits on an EBT card.

How much money can you have and still qualify?

- **Income Limit:** Generally, your monthly income must be less than 130% of the poverty line for the number of people in your household (about \$1,354 for one person; about \$2,790 for four people). DHHS will leave out some kinds of income and take into account some bills.
- **Resource Limit:** You can only get FNS if you have less than \$2,250 in resources (\$3,500 if you have someone in your household age 60+ or disabled according to Social Security). Resources are things like bank accounts, extra cars, retirement funds, or property you own that’s not your home.
- For more information about COVID-19 benefits and FNS, see <https://files.nc.gov/ncdhhs/documents/files/dss/dcdl/economicservices/EFS-FNSEP-07-2020a1.pdf>

How much do you get?

Normally, DHHS figures the monthly amount you get based on a complicated process. Minimum and maximum allotment based on household size:

Household Size	Max Benefit
1	\$194
2	\$355
3	\$509
4	\$646
...	...
8	\$1,164
Each Additional Member	(+146)

Can immigrants get FNS? Lawful Permanent Residents (LPR) can receive FNS if they have had LPR status for 5 years. Some lawful immigrants, including people under 18, refugees, people with asylum, trafficking victims, and veterans do not have to wait 5 years.

How do you get FNS?

- Step 1:** Apply at epass.nc.gov, call your local DSS, or fill out a paper application and mail it.
- Step 2:** Keep copies (or take pictures) of all the paperwork you give to DHHS.
- Step 3:** Promptly answer any follow-up questions from DHHS. DHHS may set up a telephone interview to get more information.
- Step 4:** If you get denied or get less than you should, you can appeal. To appeal, mail a letter (certified, if you can afford it) stating that you want to appeal the denial or amount of your FNS to your county’s DSS office.

You may be eligible for expedited benefits, getting food stamps within 7 calendar days.

Your household may be in an emergency situation if:

- Your household's gross monthly income is less than \$150 and your household's cash or money in the bank is \$100 or less, or
- Your household's rent, mortgage, and utilities are more than your household's gross monthly income and cash or money in the bank, or
- You or a member of your household is a migrant/seasonal farm worker.

Unemployment

Unemployment gives you money every week for as long as you do not have a job or are working less than your usual amount. The Division of Employment Security (“DES”) runs North Carolina’s normal unemployment program. Because of federal coronavirus relief, DES will run a “special” unemployment program for people who don’t qualify for the “normal” program.

What does it take to qualify for “normal” unemployment?

- You have earned sufficient wages during your “base period,” which is the first four of the last five completed calendar quarters before you filed your claim (the base period for someone filing a claim in April 2020 would be Jan. 1, 2019 to Dec. 31, 2019). You must show that you worked in at least two quarters of your base period and that you earned enough money in your base period (currently at least \$5,818). If you did not earn enough in your base period, DES will look to the most recent four completed calendar quarters (April 1, 2019 to March 31, 2020 for April 2020 claimant).
- If you quit, you must have “good cause attributable to the employer” to do so.
- If you get laid off or fired, you didn’t do anything that would be “misconduct.”
- You are able to work, which means you do not have disability that prevents work.
- You are available for work, which means you could take a suitable job if offered to you.
- You can’t get paid to do your work from home.

Important Note: You can get unemployment if your hours were cut.

What does it take to qualify for “special” unemployment?

- You are not eligible for “normal” unemployment. This includes people who are self-employed, independent contractors, gig workers, those who just started a job recently, or those who had a job offer rescinded. It also includes those who have exhausted their “normal” unemployment benefits.
- You can’t work like usual because of coronavirus. Here are some examples:
 - You have coronavirus or have symptoms and are trying to get diagnosed
 - You are caring for a family member who has coronavirus
 - Your child’s school is closed because of coronavirus
 - Where you work is closed because of coronavirus
 - You had to quit your job because of coronavirus
 - Your job offer was pulled because of coronavirus
- You are otherwise able to work and available for work.
- You can’t get paid to do your work from home.

Important Note: As of April 24, the state has a separate application for federal pandemic unemployment benefits. You can get “special” unemployment back to the date you first lost your job or hours due to coronavirus. The farthest back you can go is January 27.

How much money can you get?

- For “normal” unemployment, it depends on how much you earned. The least you can get is \$15 per week. The most you can get is \$350 per week.
- For “special” unemployment, it may depend on how much you earned, but the minimum will likely be higher (it is calculated based on ½ of the state’s average weekly benefit).
- If you qualify for either “normal” or “special” unemployment, you will receive an extra **\$600 per week** on top of whatever your weekly benefit is. This extra \$600 will start from early April and go through July 31, 2020.

How long can you get unemployment?

- North Carolina currently provides up to 12 weeks of “normal” unemployment. Federal changes have added another 13 weeks on top of that. So, you can get up to 25 weeks of “normal” unemployment.
- You can get up to 39 weeks of “special” unemployment. You can pursue this if you have exhausted “normal” unemployment benefits, but your 39 weeks may be offset by weeks of “normal” unemployment received. For now, this program is only available through the end of 2020.

Important Note: *You can only get unemployment as long as you meet all the requirements. Let’s say you get unemployment because you have a child whose school is closed because of coronavirus and you can’t work because of having to provide childcare. Once the school year would normally end, you may no longer be able to claim that you can’t work because school is shut down. You may have to show that there is another way coronavirus keeps you from working.*

How do you get unemployment?

- Step 1:** Apply online at des.nc.gov or by phone at 888-737-0259 (online preferable; very hard to get through on the phone). If you can’t get through, document your efforts to apply and contact DES via <https://des.nc.gov/customer-contact-form> or by email at des.ui.customerservice@nccommerce.com
- Step 2:** Get paperwork together that shows why you lost your job or hours.
- Step 3:** Keep copies (or take pictures) of all the paperwork you give to DES.
- Step 4:** Answer any follow-up questions from DES.
- Step 5:** Complete weekly unemployment certifications, even if you have not yet been approved. You can file by phone at 888-737-0259 or 888-372-3453, or online at des.nc.gov.

Important Note: *A weekly certification is different from an application. An application tells DES you want to get qualified for unemployment benefits. A weekly certification tells DES that you were unemployed in a particular week. If you don’t file a weekly certification, you will not get paid for that week.*

- Step 6:** Monitor your online account for correspondence from DES. You may get access to a determination online before you receive it in the mail.
- Step 7:** If you get denied or get less than you should, you can protest or appeal. Follow the instructions and deadlines to protest or appeal in the letter you receive.

What else should you know about unemployment?

- All unemployment benefits are taxable.
- The base amount you get for either “normal” or “special” unemployment (NOT the \$600) will likely count as income for Medicaid, NC Health Choice, SNAP, and other programs.
- The extra \$600 per week will not count against you as income for Medicaid or NC Health Choice.
- The extra \$600 per week may count against you as income for SNAP. So, if you get SNAP and then start getting either “normal” or “special” unemployment, you should report the unemployment to DHS (in writing if you can; keep proof).
- You can work part-time while claiming benefits, but you must report your earnings to DES. Any amount earned beyond 20% of your weekly benefit amount will reduce your benefit dollar-for-dollar. If your earnings reduce your benefit to zero, you will not get a benefit that week and you will not get the \$600 supplement that week. If you get at least \$1.00 in unemployment benefits in a week, you should get the \$600 supplement on top of it.

***Important Note:** DES checks for fraud. The federal government is also telling states to check for fraud because of the extra \$600 per week and the “special” unemployment program. This is why it is important to be truthful and keep proof of your eligibility.*

Get together paperwork that shows you qualify, especially if you are claiming unemployment because of COVID-19. Keep letters from your workplace showing that it’s closed. Keep e-mails or texts about cutting your hours or cancelling contracts or gigs. Keep records of your calls/visits to doctors, especially if they tell you to quarantine yourself. If your job would let you work but you can’t, make sure you have proof of the reason (your child is out of school or your doctor says you have a health condition that would put you at high risk of death if you catch coronavirus).

Health Insurance:

Medicaid and the ACA are still available if you need health insurance. But not everyone can get a tax credit on the ACA, and many people do not qualify for Medicaid—NC has a “coverage gap” because it did not expand Medicaid.

The Affordable Care Act: If you lose your health insurance when you lose your job, you may be able to get health insurance through the marketplace during your “special enrollment period.” If you experience a qualifying “major life change,” you have 60 days to purchase insurance on the marketplace. “Major life changes” include (but is not limited to) loss of employer or government health insurance, expiration of COBRA coverage, marriage, permanently moving and addition of a family member (birth or adoption). Contact Pisgah Legal Services at 828-210-3404 to see if you qualify for health insurance under the ACA.

Medicaid: Medicaid is health insurance for people who do not have much money, and who also meet a category of eligibility. Low-income adults (earning less than 100% FPL) without children and who are not disabled, **do not qualify for Medicaid** in NC. If you already get Medicaid, the state **cannot** terminate or reduce your benefits unless you move out of state or ask to be cut off. This lasts until the emergency is over.

Medicaid serves low-income children, parents, seniors, and people with disabilities. The general categories of eligibility for Medicaid and NC Health Choice Program (CHIP or NCHC—discussed below) are:

- Age 65 or older;
- Blind or disabled,(Social Security definition);
- Infants and children under the age of 21 (CHIP);
- Low-income individuals and families in need of long-term care and receiving Medicare;

You also must:

- Be a US citizen or provide proof of eligible immigration status (unless only applying for emergency services);
- Live in North Carolina, and provide proof of residency; and
- Have a Social Security number or have applied for one

You are automatically eligible for Medicaid if you receive any of the following benefits:

- Supplemental Security Income (SSI)
- State/County Special Assistance for the Aged or Disabled (Adult Care Home Assistance)
- Special Assistance to the Blind
-

Monthly Income Limits for Medicaid Services (not CHIP or Medicaid-Aid)

Aged, Blind, Disabled Adult (100% FPL)

Family Size	1	2
Monthly Income Limit	\$1,064	\$1,437

Infant and Children (MAGI Methodology)

Age	0-5	6-18
	210% Poverty Level	133% Poverty Level

How do you get Medicaid?

- Step 1:** Apply online at ePass (epass.nc.gov), or by calling your county's DSS office, or by mailing in a paper application
- Step 2:** Keep copies (or take pictures) of all the paperwork you turn in.
- Step 3:** Promptly answer any follow-up questions from DSS—if you do not answer, you will be denied.
- Step 4:** If you get denied, you can appeal. To appeal, contact your worker at DSS and follow the instructions in your letter. If you get denied because the letter says you do not have a qualifying disability, but you disagree, you can contact Pisgah Legal Services.

Paid Leave from Work

There is no federal or state law that gives workers paid time off, even if there is an emergency or a serious health condition. However, there is a new federal law that gives workers paid leave because of coronavirus. It's called the Emergency Paid Sick Leave Act.

Does it cover all kinds of jobs? No. The new law only applies to private employers with fewer than 500 employees and all government agencies (no matter how many employees). Even though the law covers smaller companies, companies with fewer than 50 employees can ask the government to let them out of the new paid sick leave law. If you're a health care provider or emergency responder, your employer decides whether you get paid sick leave.

How much paid sick leave do you get? Full-time workers can take 80 hours of paid sick leave. Part-time workers can take the number of hours they work on average over a two-week span.

***Important Note:** It doesn't matter if you just started working at your job. You are still eligible.*

What do you have to show to take paid time off? You have to show that the time off is because of coronavirus. Here are the situations that count:

- You are quarantined because of a government order about coronavirus.
- Your doctor told you to self-quarantine due to concerns related to coronavirus.
- You have symptoms of coronavirus and are trying to get a medical diagnosis.
- You are caring for someone who is quarantined because of a government order about coronavirus or whose doctor told them to self-quarantine due to concerns related to coronavirus.
- You are caring for your child because their school or daycare is closed due to coronavirus.

How much money do you get? If you are taking time off for yourself, you get 100% of your normal pay (up to a maximum of \$511 per day). If you are taking time off to care for someone else, including your child, you get 67% of your normal pay (up to \$200 per day).

Do you have to use your other paid leave first? No. You can use the new paid sick time before using any time you have saved up with your job.

What if two weeks isn't enough for you to get better? If you are sick yourself, you will have to take any paid time off you have saved up. You may be eligible for *unpaid* leave under the Families and Medical Leave Act (FMLA) if you have a serious medical condition, and your employer has at least 50 employees, and you have worked there for at least a year. FMLA protects your job so that you can come back to it later on and makes your employer keep your health insurance active while you are out.

***Important Note:** If you are fired or have to quit because you are sick due to coronavirus, and you are out of paid sick leave, you may qualify for unemployment.*

Your child's school is probably off for more than two weeks. What then? There is another new *paid* leave law if you need to care for your son or daughter under age 18. It is called the Emergency Family and Medical Leave Expansion Act. Here is how you qualify:

- You have to have been working at your job for at least 30 calendar days.
- You are unable to work (or work from home) because you need to care for your child under age 18 if their school or daycare is closed due to the coronavirus.
- The first 10 days are only paid if you use the time you get from the Emergency Paid Sick Leave Act (we talked about it on Page 10) or if you have saved paid time off.
- After the first 10 days, you get paid 67% of your usual pay (up to \$200 per day) for up to 10 more weeks.

Important Note: *You can only get this paid leave as long as your child's school is closed due to coronavirus or another public health emergency. Once school is out for the year, you probably can't continue to get leave.*

What else should you know about the new paid leave laws?

- Your employer can ask you to give them reasonable notice when you take paid leave, but they can't punish you for taking it. If you get fired or demoted because you took paid leave, contact an attorney.
- The Emergency Paid Sick Leave Act is only good while the coronavirus emergency is ongoing. After that, things go back to the way they were before where there was no guaranteed paid sick leave.

Other Things to Know About Benefits

Stimulus Checks. Most people will not have to file any extra forms to receive this benefit. But, you may need to give the IRS your current address or direct deposit information. You can do this by filing your 2019 taxes or updating your information on the web at <https://www.irs.gov/coronavirus/get-my-payment> or by making sure the post office has your forwarding address. The amount of your stimulus check depends on your Adjusted Gross Income for 2018 or 2019. Most people will receive \$1200 per individual, \$2400 per married couple, and \$500 per qualifying child under age 17. If you filed taxes in 2018 or 2019, or if you receive government benefits for Social Security retirement, disability, survivors, VA benefits, or Railroad Retirement Benefits, then you will receive the stimulus payment automatically.

Important Note: *People who have not filed a tax return for 2018 or 2019, who have dependents under age 17, and who receive Social Security benefits or VA benefits who did not file the Non-Filer's form by the respective deadlines, may have to file 2020 taxes to receive the \$500 stimulus payment for the dependent children.*

The Social Security Administration has changed the way it is doing business during the emergency.

Offices are closed to the public. There are less staff than usual, but you can still call.

- People who receive SSI, disability, or retirement benefits should get benefits as normal.
- Social Security is going to stop collecting on any overpayments during the emergency. If you have a federal student loan payment deducted from your SSA benefit, these collections have also been suspended.
- If you are already receiving SSI or disability, Social Security is not currently doing any medical reviews to see if you are still medically disabled.
- If you are applying for disability, Social Security will keep working on your application. But, they may put your case on hold if you have to visit one of their doctors for a “consultative examination.”
- If you have a hearing scheduled with an Administrative Law Judge, the hearing office will ask you if you want to do it by telephone. You have the right to say no. If you want to meet in-person or by video, you will have to wait until the emergency is over and the judge re-schedules the hearing.
- To contact your local SSA office, go to <https://secure.ssa.gov/ICON/main.jsp> and locate your local office. Social Security is currently posting the direct number to the local office in order to serve you better.

Unemployment benefits and the \$1200 stimulus check can be intercepted for back child support. If your payment was deposited to a bank that you owe money to (ex: over drafted account), they may capture your stimulus check to pay back that debt.

This guide does not cover every situation or all of the rules of the different programs. This is not legal advice. You should talk to an attorney if you have questions on how the rules may apply to your situation.