

**BEFORE THE
EMPLOYMENT APPEAL BOARD
Lucas State Office Building, 4TH Floor
Des Moines, Iowa 50319
eab.iowa.gov**

TESSA R SHOCK

Claimant

and

**CHILDSERVE COMMUNITY OPTIONS
INC**

Employer

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HEARING NUMBER: 22B-UI-06491

**EMPLOYMENT APPEAL BOARD
DECISION**

NOTICE

THIS DECISION BECOMES FINAL unless (1) a **request for a REHEARING** is filed with the Employment Appeal Board within **20 days** of the date of the Board's decision or, (2) a **PETITION TO DISTRICT COURT IS FILED WITHIN 30 days** of the date of the Board's decision.

A **REHEARING REQUEST** shall state the specific grounds and relief sought. If the rehearing request is denied, a petition may be filed in **DISTRICT COURT** within **30 days** of the date of the denial.

SECTION: 96.4-3, 96.6-2

DECISION

UNEMPLOYMENT BENEFITS ARE DENIED

The Claimant appealed this case to the Employment Appeal Board. The members of the Employment Appeal Board reviewed the entire record. The Appeal Board finds the administrative law judge's decision is correct. The administrative law judge's Findings of Fact and Reasoning and Conclusions of Law are adopted by the Board as its own. The administrative law judge's decision is **AFFIRMED and REMANDED**.

The Board finds that the Claimant has applied for PUA with an effective date of October 25, 2020. From IWD records it appears that she has been approved for some weeks. The daycare room that the Claimant's child attended was closed from October 30, 2020 through November 8, 2020, January 25, 2021 through February 14, 2021 and March 2, 2021 through March 14, 2021 because of an exposure to COVID-19. These closures were pursuant to guidance from the CDC.

We have the authority to convert a regular benefits claim to a PUA claim. *UIPL, 16-20, Attachment I, Change I*, p. I-2 (DOL ETA 4/27/2020). We do not do so here only because the Claimant has already established a PUA claim with an October 25, 2020. It appears the Claimant has been approved for weeks in late March of 2021.

Based on the record in this matter, and our ability to convert claims, we find that the Claimant should be eligible for additional weeks of PUA benefits. The federal Department of Labor has instructed that **eligible persons would include:**

The individual has been diagnosed with COVID-19 or is experiencing symptoms of COVID-19 and is seeking a medical diagnosis. Examples may include:

A child or other person in the household for which the individual has primary caregiving responsibility is unable to attend school or another facility that is closed as a direct result of the COVID-19 public health emergency and such school or facility care is required for the individual to work;

UIPL 16-20, Attachment 1, p. I-4

(https://wdr.doleta.gov/directives/attach/UIPL/UIPL_16-20_Attachment_1.pdf).

Given our findings above, and these legal provisions we find the Claimant is **eligible for PUA** during the period of unemployment caused by the closure of the Claimant's daycare room. Specifically, we find the Claimant eligible for the week ending November 7, 2020, the three weeks from January 24, 2021 through February 13, 2021, and the two weeks from February 28, 2021 through March 13, 2021.

We **REMAND** this matter to the Benefits Bureau of Iowa Workforce Development to add the six weeks we identify above to the Claimant's PUA claim, if not already added, and to make all payments to the Claimant accordingly. The Employer should note that even though we are allowing these benefits, they are PUA benefits and are **not** chargeable to the Employer.

James M. Strohman

Ashley R. Koopmans

Myron R. Linn

RRA/fnv