

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

AUDREY J MEYER
Claimant

APPEAL 21A-DUA-01304-AW-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 03/08/20
Claimant: Appellant (4)

PL 116-136, Sec. 2102 – Federal Pandemic Unemployment Assistance

STATEMENT OF THE CASE:

Claimant filed an appeal from the Iowa Workforce Development decision dated March 6, 2021 that determined claimant was not eligible for Pandemic Unemployment Assistance (PUA) benefits. Claimant was properly notified of the hearing. A telephone hearing was held on April 26, 2021, at 12:00 p.m. Claimant participated in the hearing. Claimant's exhibits A – C were admitted. Official notice was taken of the administrative record. Official notice was taken of the record in appeal number 21A-UI-04649-AW-T.

ISSUE:

Whether claimant is eligible for Pandemic Unemployment Assistance.

FINDINGS OF FACT:

Having reviewed the evidence in the record, the administrative law judge finds: Claimant filed an initial claim for unemployment insurance benefits with an effective date of March 8, 2020. Claimant is not eligible for regular unemployment insurance benefits. Claimant filed an application for Pandemic Unemployment Assistance.

Claimant is employed as a part-time physical therapist with Orange City Area Health System. Claimant is also employed as-needed with Avera McKennan and Therapeutic Health Services. Claimant performed no work for any of her employers from March 8, 2020 until July 28, 2020 due to Covid-19. After July 28, 2020, claimant returned to work for each of the employers but her hours were reduced due to Covid-19. Claimant's hours returned to their regular (pre-Covid-19) level effective October 24, 2020.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes:

The Coronavirus Aid, Relief, and Economic Security (CARES) Act, Public Law 116-136, Sec. 2102 provides for unemployment benefit assistance to any covered individual for any weeks beginning on or after January 27, 2020 and ending on or before December 31, 2020, during which the individual is unemployed, partially unemployed, or unable to work due to COVID-19.

The issue to be determined here is whether claimant is a “covered individual” who is eligible to receive benefits within the meaning of applicable law.

Section 2102 of the CARES Act describes a covered individual as follows:

(3) COVERED INDIVIDUAL.—The term “covered individual”—

(A) means an individual who—

(i) is not eligible for regular compensation or extended benefits under State or Federal law or pandemic emergency unemployment compensation under section 2107, including an individual who has exhausted all rights to regular unemployment or extended benefits under State or Federal law or pandemic emergency unemployment compensation under section 2107; and

(ii) provides self-certification that the individual—

(I) is otherwise able to work and available for work within the meaning of applicable State law, except the individual is unemployed, partially unemployed, or unable or unavailable to work because—

(aa) the individual has been diagnosed with COVID–19 or is experiencing symptoms of COVID–19 and seeking a medical diagnosis;

(bb) a member of the individual's household has been diagnosed with COVID–19;

(cc) the individual is providing care for a family member or a member of the individual's household who has been diagnosed with COVID–19;

(dd) 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;

(ee) the individual is unable to reach the place of employment because of a quarantine imposed as a direct result of the COVID–19 public health emergency;

(ff) the individual is unable to reach the place of employment because the individual has been advised by a health care provider to self-quarantine due to concerns related to COVID–19;

(gg) the individual was scheduled to commence employment and does not have a job or is unable to reach

the job as a direct result of the COVID–19 public health emergency;

(hh) the individual has become the breadwinner or major support for a household because the head of the household has died as a direct result of COVID–19;

(ii) the individual has to quit his or her job as a direct result of COVID–19;

(jj) the individual's place of employment is closed as a direct result of the COVID–19 public health emergency; or

(kk) the individual meets any additional criteria established by the Secretary for unemployment assistance under this section; or

(ll) is self-employed, is seeking part-time employment, does not have sufficient work history, or otherwise would not qualify for regular unemployment or extended benefits under State or Federal law or pandemic emergency unemployment compensation under section 2107 and meets the requirements of subclause (l); and

(B) does not include—

(i) an individual who has the ability to telework with pay; or

(ii) an individual who is receiving paid sick leave or other paid leave benefits, regardless of whether the individual meets a qualification described in items (aa) through (kk) of subparagraph (A)(i)(l).

The Secretary of Labor has approved an additional criterion under subparagraph (jj) to include individuals whose hours have been reduced by their employers as a direct result of Covid-19. (Unemployment Insurance Program Letter Number 16-20, Change 5, page 8)

Claimant's hours with all three of her employers were reduced as a direct result of Covid-19. Claimant meets the requirements of subparagraph (jj) and, thus, is eligible for PUA benefits.

DECISION:

The Iowa Workforce Development decision dated March 6, 2021 that determined claimant was not eligible for Pandemic Unemployment Assistance (PUA) benefits is amended in favor of appellant. Claimant meets the requirements of subparagraph (jj) from March 8, 2020 until October 24, 2020. PUA benefits are allowed from March 8, 2020 until October 24, 2020, provided claimant is otherwise eligible and subject to claimant reporting wages earned.



Adrienne C. Williamson
Administrative Law Judge
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April 30, 2021
Decision Dated and Mailed

acw/kmj