

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

GARY FIELDS JR
Claimant

APPEAL 20A-DUA-00854-SN-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 03/22/20
Claimant: Appellant (1)

PL 116-136, Sec. 2012 – Federal Pandemic Unemployment Assistance

STATEMENT OF THE CASE:

On November 3, 2020, claimant filed a timely appeal from the Iowa Workforce Development decision dated October 20, 2020 that determined claimant was not eligible for federal Pandemic Unemployment Assistance (PUA).

A telephone hearing was held on November 30, 2020. The parties were properly notified of the hearing. The claimant participated personally. The department did not participate. Official notice was taken of the administrative record.

ISSUE:

- I. Is the claimant eligible for Pandemic Unemployment Assistance?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds:

Claimant filed the application for PUA on October 20, 2020. The last day claimant worked was March 22, 2020. Claimant was employed at that time by Richard Beichler Electric as a full-time journeyman electrician. Claimant worked four 10 hour days from Monday through Thursday. In this position, claimant performed electrical work for approximately 70 apartments Richard Beichler owns and operates.

On March 22, 2020, claimant quit working for Richard Beichler Electric. Claimant initially said he quit Richard Beichler Electric because Jeff Spaun, one of the other commercial tenants in the office space rented by Richard Beichler Electric, revealed he had Covid19. Initially, claimant alleged Spaun knew that he had been ill with Covid19 for a week prior and emphasized that he and his coworkers had been in proximity to Spaun while he had been contagious. However, at another point in the hearing, claimant said he did not know when Spaun had tested positive for Covid19.

Claimant also became ill the week of March 22, 2020. Claimant did not go to the doctor because he does not have health insurance coverage but he “could barely swallow.” Claimant informed Richard Beichler Electric’s accountant that he had a sore throat around that time. The

accountant told claimant, "Don't come back until you feel better. If you don't feel right don't come to work." Claimant's throat stopped hurting two to three weeks later at the end of March or the first week in April 2020. Claimant is not sure it was Covid19. Claimant has been fully physically able to perform the work of a journeyman electrician after recovering. Claimant did not have any further conversations with Richard Beichler or other executives at Richard Beichler Electric.

In late-March or early-April 2020, Terry Huseman told claimant that Richard Beichler had told the remaining employees he was no longer going to assign employees to work in "terrible working conditions and right away sent them back there" at apartments which accept Section 8 assistance. Claimant then explained that was why he was no longer working for Richard Beichler Electric. Claimant explained that what he meant by "terrible working conditions" was the presence "drugs and the needles laying everywhere. Slumlord stuff. A lot of times I had to carry a gun to go to work where I was working. I don't want to work anywhere where I have to carry a gun to do something there." Claimant said he had to carry a gun because in those areas "they don't like white people." Claimant said he was afraid for his life the whole time and that the crew "had to guard the van to prevent theft." Claimant went on to say he did not want to work in such filthy apartments even if the Covid19 pandemic had not occurred. Claimant said he did not contact Richard Beichler again due to these poor working conditions.

Claimant did apply at several places afterwards, but no one was hiring because of Covid19. In March 2020, Claimant applied to Germaine Electric in Dubuque, Iowa. Claimant talked to people who went to the supply houses in Dubuque, Iowa. Claimant explained that electricians get jobs by talking to people in that manner so "you don't have to go looking for work."

Claimant intends on working for Terry Huseman once Covid19 is more "under control." In late March or early April, Terry Huseman has started a new business, Huseman Electric. Claimant talks to Huseman at least once a week regarding working for Huseman Electric. Claimant says Terry Huseman has had work "here and there" since starting his business. Terry Huseman told claimant he does not have full time work yet. Claimant and Terry Huseman have not met to discuss hours and hourly pay because Terry Huseman is apprehensive about speaking in his house.

Claimant gave inconsistent statements regarding his work search. Claimant has a record on his phone documenting when he applied to Germaine Electric, but he did not have a log detailing other work searches that he performed after quitting Richard Beichler Electric. At one point, claimant said he did not attempt to obtain work because he was concerned about working during a pandemic with no health coverage. Claimant added he also lives with an elderly woman (68) and delivers groceries to his 70-year-old father who has always lived on his own. Claimant said he cannot afford to transmit the disease on to these loved ones.

Claimant did provide self-certification that he was otherwise able to work and available for work but was unemployed, partially unemployed, or unable or unavailable to work because he quit his job due to Covid19 on March 22, 2020. Telework was not available.

Claimant is not eligible for regular compensation or extended benefits under state or federal law or Pandemic Emergency Unemployment Compensation (PEUC).

REASONING AND CONCLUSIONS OF LAW:

For the reasons set forth below, the Iowa Workforce Development decision dated October 20, 2020 that determined claimant was not eligible for federal Pandemic Unemployment Assistance (PUA) is affirmed.

The CARES Act was established to provide PUA benefits to qualified individuals who were not eligible for regular compensation or extended benefits under State or Federal law or pandemic emergency unemployment compensation. PL 116-136 Section 2102(a), (b), (c), (d), and (h) provide as follows:

SEC. 2102. PANDEMIC UNEMPLOYMENT ASSISTANCE.

(a) DEFINITIONS. — In this section:

(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).

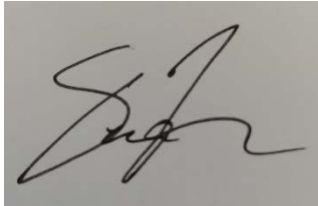
(b) ASSISTANCE FOR UNEMPLOYMENT AS A RESULT OF COVID- 19. —

Subject to subsection (c), the Secretary shall provide to any covered individual unemployment benefit assistance while such individual is unemployed, partially unemployed, or unable to work for the weeks of such unemployment with respect to which the individual is not entitled to any other unemployment compensation (as that term is defined in section 85(b) of title 26, United States Code) or waiting period credit.

Specifically, claimant was unable or unavailable to work because he quit for reasons largely unrelated to Covid19. Claimant described Richard Beichler Electric's work sites as generally unfavorable and dangerous even prior to the threat of Covid19. Claimant's unemployment began on March 22, 2020 and continued until the date of the hearing. Claimant's continued unemployment stems from generalized fears he holds about being hospitalized without insurance and transmitting the virus to loved ones. While the administrative law judge is sympathetic to claimant's situation, these are not reasons listed in PL 116-136 Section 2102 as direct causes of Covid19. Claimant is otherwise not able to work and available for work within the meaning of applicable State law. Claimant is not eligible for regular compensation or extended benefits under State or Federal law or pandemic emergency unemployment compensation.

DECISION:

The Iowa Workforce Development decision dated October 20, 2020 that determined claimant was not eligible for federal Pandemic Unemployment Assistance (PUA) is affirmed.

A handwritten signature in black ink, appearing to read 'Sean M. Nelson', is written over a light gray rectangular background.

Sean M. Nelson
Administrative Law Judge
Unemployment Insurance Appeals Bureau
1000 East Grand Avenue
Des Moines, Iowa 50319-0209
Fax (515) 725-9067

December 31, 2020
Decision Dated and Mailed

smn/scn