

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

ANDRE LAFONTAINE
Claimant

APPEAL 21A-DUA-00163-SN-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 12/20/20
Claimant: Appellant (1)

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

STATEMENT OF THE CASE:

On December 20, 2020, the claimant filed a timely appeal from the Assessment for Pandemic Unemployment Assistance decision dated December 4, 2020 that determined claimant was not eligible for federal Pandemic Unemployment Assistance (PUA) benefits. A telephone hearing was held on February 6, 2021. The claimant participated personally. Exhibit A and Exhibit B were entered into the record. The administrative law judge took official notice of the administrative records.

ISSUE:

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 a claim for state unemployment insurance benefits with an effective date of December 22, 2019. He received regular unemployment benefits until he exhausted these benefits the week ending May 2, 2020. The claimant began receiving Pandemic Emergency Unemployment Compensation until August 1, 2020. The claimant began receiving extended benefits from August 8, 2020 to October 10, 2020, when he exhausted these benefits.

The claimant filed his PUA claim on December 4, 2020. The claimant marked “other” as a reason for his unemployment.

The claimant last worked at Hoffman and Hoffman as a drill crew hand full time from April 15, 2019 to December 22, 2020. The claimant was laid off for the season.

The claimant has been diagnosed with type-one diabetes. He provided a doctor’s note printed on February 14, 2017, which confirms he has type-one diabetes. The claimant says this condition makes him more susceptible to infection. At the hearing, the claimant conceded he

does not have a note from a doctor stating his type-one diabetes required him to quarantine for any period of time.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant is ineligible for PUA benefits.

The Coronavirus Aid, Relief, and Economic Security 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.

That period was subsequently extended through the week ending March 13, 2021 and, in some cases, through the week ending April 10, 2021. See Consolidated Appropriations Act of 2021. The issue to be determined here is whether claimant is a “covered individual” within the meaning of applicable law.

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Section 2102(a)(3) defines individuals who are eligible for PUA benefits.

(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—

(l) 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 claimant exhausted all of his state and federal benefits to fit within the framework of Section 2102(a)(3)(A)(i) on October 10, 2020.

PL 116-136 Section 2102(a)(3)(A)(ii)(l) establishes that the claimant must provide self-certification that he is otherwise able to work and available for work within the meaning of applicable State law, except that he is unemployed, partially unemployed, or unable or unavailable to work **because of one of the enumerated reasons listed in (aa) through (ll)**.

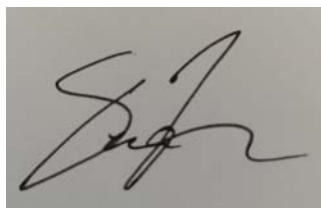
When the claimant filed for PUA benefits he did not self-certify as required. It is required that individuals complete the self-certification form that identifies the applicable Covid-19 related

reason under section 2012(a)(3)(A)(ii)(I) of the CARES Act. The claimant did not complete and identify the reason. He selected "other". As such, PUA benefits are denied.

After his initial claim, the claimant has testified and provided other evidence to make a claim under Section 2102(a)(3)(A)(I)(ff). Specifically, the claimant says he is a type-one diabetic and this makes him high risk. Being high risk is not being ordered to quarantine by a medical provider. The claimant needs more than documentation of a medical condition that puts him at greater risk to satisfy this section. During the hearing, the claimant conceded he did not have a medical provider's order to quarantine. Benefits are denied.

DECISION:

The December 4, 2020, Assessment for PUA benefits that determined claimant was not eligible for federal PUA is affirmed.



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

February 26, 2021
Decision Dated and Mailed

smn/scn