

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

CLARA CARPENTER
Claimant

APPEAL 21A-DUA-01280-SN-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

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

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

STATEMENT OF THE CASE:

The claimant, Clara Carpenter, appealed the assessment for Pandemic Unemployment Assistance (PUA) decision dated February 27, 2021 which denied benefits. A telephone hearing was held on April 24, 2021. The claimant participated personally. 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:

The claimant filed an application for PUA on February 27, 2021. On the claimant's application for PUA, she provided information about herself. The claimant wrote the following reason for being unemployed, "Other."

The claimant explained she last worked on April 14, 2019 for a reason wholly unrelated to the Covid19 pandemic. In particular, the claimant was hit by a car. She sustained significant injuries which restricts her from working in a broad class of jobs.

The claimant maintains she is eligible for PUA because she cannot find work after the onset of the Covid19 pandemic. She did not give examples of any firm job offers that had been rescinded due to the pandemic.

The following section of the findings of fact outlines the claimant's filing, receipt, and current eligibility for regular unemployment, Pandemic Emergency Unemployment Compensation (PEUC), and extended benefits.

The claimant filed a claim for state unemployment insurance benefits with an effective date of March 22, 2020. The claimant did not have sufficient qualified earnings in the base period in

which to become monetarily eligible for unemployment insurance benefits funded by the State of Iowa.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant is not eligible 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 must show she is a covered individual under the PL 116-136, Sec. 2102. She must first show she satisfies Section 2102(a)(3)(i) by proving her ineligibility for other benefits. Then claimant must self-certify she is unemployed due to one of the Covid19 related reasons listed under PL 116-136 Section 2102(a)(3)(A)(ii)(l)(aa)-(ll).

The claimant filed her claim after December 27, 2020. She can only backdate her claim to December 1, 2020. See Department of Labor, Unemployment Insurance Program Letter, No. 16-20 Change 4, (January 8, 2021) at pg. 18.

The first threshold the claimant needs to clear is in Section 2102(a)(3)(i). She can do so by showing she is disqualified for UI, PEUC and EB benefits. The claimant did not have sufficient

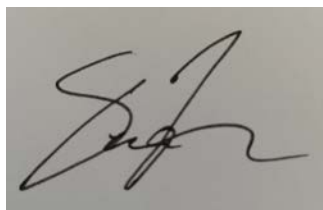
qualified earnings in the base period in which to become monetarily eligible for unemployment insurance benefits funded by the State of Iowa. The claimant can fulfill initial threshold.

PL 116-136 Section 2102(a)(3)(A)(ii)(I) establishes that the claimant must provide self-certification that she is otherwise able to work and available for work within the meaning of applicable State law, except that she 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 she 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. She selected "other".

The administrative law judge notes this is not a mere technicality for the claimant. Her unemployment was caused well before the Covid19 pandemic for reasons wholly unrelated to Covid19. While the administrative law judge is sympathetic to the claimant's circumstances, it cannot be logically argued her unemployment was directly caused by the Covid19 pandemic. As such, PUA benefits are denied.

DECISION:

The assessment for PUA benefits decisions dated February 27, 2021 that determined claimant was ineligible for federal PUA is affirmed.



Sean M. Nelson
Administrative Law Judge
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April 30, 2021
Decision Dated and Mailed

smn/scn