

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**ANGELA M DAVIDSON**  
Claimant

**APPEAL 20A-DUA-00177-AD-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 04/19/20  
Claimant: Appellant (2)**

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

**STATEMENT OF THE CASE:**

On August 16, 2020, Angela Davidson (claimant/appellant) filed a timely appeal from the Iowa Workforce Development decision dated August 8, 2020 that determined claimant was not eligible for federal Pandemic Unemployment Assistance (PUA).

A telephone hearing was held on September 28, 2020. The parties were properly notified of the hearing. The claimant participated personally. 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 is self-employed. She manufactures and sells handcrafted products such as soap and jewelry. She manufactures items in her home but sells them almost entirely at farmers markets, flea markets, and craft shows. Claimant was unable to manufacture items for some time due to schools closing and her needing to be attentive to her three school-aged children for whom she has primary caregiving responsibility. She was also largely unable to sell items during this time, as the events she typically sold items at were cancelled or had limited items to only food products. Claimant is in the process of increasing her online presence to hopefully be able to sell her items through that forum in the future.

Claimant did provide self-certification that she was otherwise able to work and available for work but was unemployed, partially unemployed, or unable or unavailable to work because of COVID-19. 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 August 8, 2020 that determined claimant was not eligible for federal Pandemic Unemployment Assistance (PUA) is REVERSED.

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” within the meaning of applicable law.

(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 administrative law judge finds claimant is self-employed and is unable or unavailable to work because of COVID-19. Specifically, claimant was unable or unavailable to work because of the need to care for her school-aged children who were out of school and because the events at which she typically sold her goods were no longer taking place or were restricted to only food-related items.

Claimant did provide self-certification that she was otherwise able to work and available for work but was unemployed, partially unemployed, or unable or unavailable to work because of COVID-19. Claimant is not eligible for regular compensation or extended benefits under state or federal law or Pandemic Emergency Unemployment Compensation (PEUC).

**DECISION:**

The Iowa Workforce Development decision dated August 8, 2020 that determined claimant was not eligible for federal Pandemic Unemployment Assistance (PUA) is REVERSED. Claimant is eligible for PUA.



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Andrew B. Duffelmeyer  
Administrative Law Judge  
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September 29, 2020  
Decision Dated and Mailed

abd/scn