

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**MEGAN WILLIAMS**  
Claimant

**APPEAL 21A-DUA-01529-SN-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

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

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

**STATEMENT OF THE CASE:**

On May 17, 2021, the claimant, Megan Williams, appealed the assessment for Pandemic Unemployment Assistance (PUA) decision dated May 10, 2021 that denied PUA benefits. A hearing was scheduled for July 20, 2021 at 10:00 a.m. The administrative law judge took official notice of the agency records. Exhibits A, B, C, D, E and F were received into the record.

**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 the application for PUA on May 10, 2021. On the claimant's application for PUA she provided information about herself. The claimant wrote the reason for being unemployed, "A child or other person in my household for whom I am the primary caregiver 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 me to work."

The claimant worked as a cashier and sandwich artist for her employer, the Pumper Inc., from 2008, until May 14, 2020. The claimant was on a medical leave of absence for a hiatal hernia surgery from February 14, 2020 to March 14, 2021.

On March 15, 2020, the claimant requested to only work one or two days per week because the claimant's ten-year-old son's school and daycare closed. On March 15, 2020, Rainbow Land Preschool and Day Care posted on Facebook that they were closing until further notice. The claimant provided a copy of this Facebook post. (Exhibit E) That same day, North Fayette Valley Community Schools closed for the remainder of the system. The claimant provided a copy of a North Fayette Valley Community Schools' Facebook wall post stating it was closing on March 15, 2021. (Exhibit D)

The employer scheduled the claimant from eight to twenty hours per week from March 15, 2020 through May 14, 2020. The claimant provided a copy of scheduling information around that time to show she was being scheduled too many hours. (Exhibits B and C)

On May 8, 2020, the claimant told Owner Nancy Wulfkuhl that she was going to quit effective May 22, 2020, because she was being scheduled too many hours. The claimant last worked on May 14, 2020.

On July 15, 2020, Rainbow Land Preschool and Day Care posted on Facebook that they would be reopening on August 3, 2020. The claimant provided a copy of this Facebook post. (Exhibit F)

On August 20, 2020, the claimant obtained a job at Best Rest in West Union.

The following section outlines the claimant's receipt of regular unemployment, Pandemic Emergency Unemployment Compensation and extended benefits:

The claimant filed a claim for benefits effective March 22, 2020. The claimant was disqualified from benefits effective March 22, 2020 because she was not working the number of hours required in her occupation. This decision was affirmed by 21A-UI-04635-S1-T.

#### **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. On March 11, 2021, the President signed into law another extension for PUA benefits until September 4, 2021. Governor Kim Reynolds has limited eligibility for PUA benefits to weeks occurring before June 12, 2021.

The issue to be determined here is whether claimant is a "covered individual" within the meaning of applicable law.

The issue to be determined here is whether claimant is a "covered individual" within the meaning of applicable law. 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—

(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

(II) 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 (I); 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)(I).

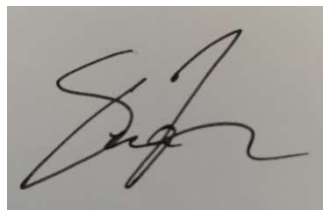
As stated above, the claimant must show she is a “covered individual” within the meaning of applicable law.

The first threshold the claimant needs to clear if to show she satisfies Section 2102(a)(3)(i) by showing she is disqualified for UI, PEUC and EB benefits. The claimant was disqualified from benefits effective March 22, 2020 by 21A-UI-04635-S1-T. The claimant filed her claim after December 27, 2020. She can only backdate her claim to December 6, 2020. See Department of Labor, Unemployment Insurance Program Letter, No. 16-20 Change 4, (January 8, 2021)(stating at pg. I-19 initial claims filed after December 27, 2020 can only be back dated to December 7, 2020 in states with a Sunday weekend date).

The second threshold the claimant needs to clear is she needs to self-certify under PL 116-136 Section 2102(a)(3)(A)(ii)(I)(aa)-(II). On her application, the claimant attempted to self-certify under PL 116-136 Section 2102(a)(3)(A)(ii)(I)(dd). The claimant cannot self-certify under this provision because the claimant’s son’s school was open after December 27, 2020. In fact, the claimant was employed after December 27, 2020. Benefits are denied.

**DECISION:**

The assessment for PUA benefits decision dated May 10, 2021 that determined claimant was ineligible for federal PUA is affirmed. Benefits are denied.



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

smn/kmj