

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

RACHEL A BURKEY
Claimant

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

APPEAL 20A-DUA-00589-B2-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 08/30/20
Claimant: Appellant (1)

PL 116-136, Sec. 2102 – Federal Pandemic Unemployment Assistance
20 CFR 625 – Federal Pandemic Assistance

STATEMENT OF THE CASE:

On October 5, 2020, claimant filed a timely appeal from the Iowa Workforce Development decision dated September 25, 2020 that determined claimant was not eligible for federal Pandemic Unemployment Assistance (PUA).

A telephone hearing was held on November 19, 2020. The parties were properly notified of the hearing. The claimant participated personally.

Official notice was taken of the administrative record. Claimant's Exhibits A-B were admitted into evidence.

ISSUES:

Is the claimant eligible for Pandemic Unemployment Assistance?

Is the claimant eligible for Federal Pandemic Unemployment Compensation?

FINDINGS OF FACT:

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

Claimant filed the application for PUA on September 25, 2020. The last day claimant worked was March 10, 2020 before she restarted her business on June 23, 2020. Claimant was self-employed at that time as a part-time house cleaner. In this position, claimant had two houses she cleaned every other week. Claimant filed no taxes for the year of 2019, and reported negative earnings in 2018 through self-employment. Claimant's documented earnings for the year of 2020 showed one handwritten receipt for \$90.00 from January, 2020. Claimant stated that she had other earnings but did not forward documents showing this to the administrative law judge.

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 her two clients decided that they did not want claimant coming to their homes for a three month period.

Claimant stated that she did not seek out additional or substitute employment through this time period. Telework was not available.

Claimant stated that neither she nor her immediate family contracted Covid and that neither of her clients or their immediate families contracted the virus.

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 September 25, 2020 that determined claimant was not eligible for federal Pandemic Unemployment Assistance (PUA) is affirmed.

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—

(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).

The administrative law judge finds claimant was not unemployed, partially unemployed, or unable or unavailable to work because of COVID-19 OR 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 and is unable or unavailable to work because of COVID-19.

Specifically, claimant was unable or unavailable to work because her two clients chose not to have cleaning done. This did not eliminate claimant's ability to explore other opportunities, and the wages earned were not established enough from the documentation shown to constitute reasonably secure wages lost. Claimant does not fit within any of the categories that would allow benefits. This unemployment began on March 10, 2020 and continued until June 23, 2020. Claimant is otherwise 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. Telework with pay was not available. Claimant was not receiving paid sick leave or other paid leave benefits.

DECISION:

The Iowa Workforce Development decision dated September 25, 2020 that determined claimant was not eligible for federal Pandemic Unemployment Assistance (PUA) is affirmed.



Blair A. Bennett
Administrative Law Judge

November 30, 2020
Decision Dated and Mailed

bab/scn