

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**MIRANDA PETTUS**  
Claimant

**APPEAL 21A-DUA-01713-CS-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 03/14/21  
Claimant: Appellant (1)**

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PL 116-136 Section 2102 – Pandemic Unemployment Assistance  
20 CFR 625 – Disaster Unemployment Assistance

**STATEMENT OF THE CASE:**

Miranda Pettus (claimant/appellant) filed an appeal from the Iowa Workforce Development decision dated July 2, 2021, reference 03, which determined claimant was not eligible for federal Pandemic Unemployment Assistance (PUA). After a hearing notice was mailed to the claimant's last-known address of record, a telephone hearing was held on August 24, 2021. The claimant participated personally. The administrative law judge took official notice of the administrative file.

**ISSUE:**

The issue is whether the claimant is eligible Pandemic Unemployment Assistance.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: On August 15, 2020, claimant was hired by DMAACC for a part-time Homeland Security Advisor. Claimant was hired to work remotely and was hired to work 20 hours per week. On May 23, 2021 claimant started a new job with the State of Iowa.

On May 14, 2021, the claimant was found to be ineligible for state unemployment benefits as of March 14, 2021, because she was working the same hours and wages she was hired for in August 2020. Claimant appealed the decision and then withdrew the appeal. The decision is now final.

The claimant filed the application for PUA on July 2, 2021, and provided 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 "other". The claimant went on to explain, "Original claim filed 3/14/20 expired. Filed new claim as instructed when previous claim expired. Employer contested new claim filed 3/14/2021 and after Fact Finding Interviews were completed, claim was denied. Currently only working 10-20 hours/week @ current employer as Homeland Security Program Advisor. Was instructed to complete PUA application to determine if I am eligible for unemployment for the weeks beginning 3/14/2021-5/1/2021 as currently waiting to begin full-time employment".

## REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes:

The Coronavirus Aid, Relief, and Economic Security (CARES) 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.

The Continued Assistance for Unemployed Workers Act of 2020 (enacted December 27, 2020) and American Rescue Act of 2021 (enacted March 11, 2021) extended PUA benefits for weeks of unemployment to September 6, 2021.

On May 11, 2021, Governor Reynolds announced that Iowa will end its participation in federal pandemic-related unemployment benefit programs effective June 12, 2021. The last payable week for PUA in Iowa is the week ending June 12, 2021. Additional information can be found in the press release at <https://www.iowaworkforcedevelopment.gov/iowa-end-participation-federal-unemployment-benefit-programs-citing-strong-labor-market-and>.

The issue to be determined here is whether claimant is a “covered individual” who is eligible to receive benefits within the meaning of applicable law.

Section 2102 of the CARES Act describes a covered individual as follows:

(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 United States Code authorizes the Secretary of the United States Department of Labor to enter into agreements with states to administer Pandemic Unemployment Assistance (PUA) benefits under the CARES Act. PL 116-136, Sec. 2102(f). The United States Department of Labor has issued operating instructions to states in implementing section 2102 of the CARES Act. Iowa Code § 96.11 mandates that Iowa Workforce Development “shall cooperate with the United States department of labor to the fullest extent consistent with the provisions of this chapter. . .” When implementing section 2102, the operating instructions direct states to first consult section 2102 of the CARES Act and then the operating instructions. When both are silent, states should refer to section 625 of title 20, Code of Federal Regulations. When consulting the regulations, the term “COVID-19 public health emergency” is to be substituted for the term “major disaster” and the term “pandemic is to be substituted for the term “disaster.”

Claimant became ineligible for state unemployment benefits on March 14, 2021. Since that time claimant does not meet any of the eligibility requirements outlined herein and, thus, does not qualify for PUA benefits.

**DECISION:**

The Iowa Workforce Development decision dated July 2, 2021 that determined claimant was not eligible for Pandemic Unemployment Assistance (PUA) benefits is affirmed.



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Carly Smith  
Administrative Law Judge  
Unemployment Insurance Appeals Bureau

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August 27, 2021  
Decision Dated and Mailed

cs/ol

**NOTE TO CLAIMANT:**

- This decision determines you are not eligible for Pandemic Unemployment Assistance. If you disagree with this decision you may file an appeal to the Employment Appeal Board by following the instructions on the first page of this decision.