

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**ANDREW LOCHE**  
Claimant

**APPEAL 20A-DUA-00360-CL-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE DEVELOPMENT  
DEPARTMENT**

**OC: 03/15/20**  
**Claimant: Appellant (1)**

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

**STATEMENT OF THE CASE:**

On September 3, 2020, the claimant filed a timely appeal from the Iowa Workforce Development decision dated August 27, 2020 that determined claimant was not eligible for federal Pandemic Unemployment Assistance (PUA) benefits. A telephone hearing was held on October 23, 2020. The claimant was properly notified of the hearing and participated personally.

**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: Claimant last worked for Advance Services until he was admitted into the hospital on March 2, 2020. Claimant was released from the hospital on March 12, 2020. Claimant had an ulcer burst inside of his stomach and underwent surgery. Although claimant was physically able to return to work effective April 8, 2020, his medical provider advised him to quarantine for an additional three months, as he was at high risk of complications if he contracted COVID 19 due to his ulcer and surgery.

Claimant is not eligible for regular unemployment insurance benefits in Iowa due to a disqualifying separation from employment.

Claimant has wages in the last three quarters of 2019 in the state of Louisiana, which may make him monetarily eligible for regular unemployment insurance benefits in that state. Claimant has not tried filing a claim in Louisiana.

**REASONING AND CONCLUSIONS OF LAW:**

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—

(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).

Here, claimant has wages in his monetary record in Louisiana. Claimant has not tried filing a claim for unemployment insurance benefits in Louisiana, and therefore has not established he is not eligible or qualified for regular unemployment insurance benefits under the state law of Louisiana. Therefore, claimant's application for PUA benefits must be denied at this time.

**DECISION:**

The August 27, 2020, unemployment insurance decision is affirmed. The claimant has not established he is eligible for PUA benefits at this time.



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Christine A. Louis  
Administrative Law Judge  
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October 29, 2020  
Decision Dated and Mailed

cal/sam