

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

BRETTE HOPKINS
Claimant

APPEAL 20A-DUA-00988-JC-T

**AMENDED ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 01/26/20
Claimant: Appellant (1)

PL 116-136, Sec. 2012 – Federal Pandemic Unemployment Assistance
20 CFR 625 – Disaster Unemployment Assistance

STATEMENT OF THE CASE:

On November 20, 2020, the claimant filed a timely appeal from the Iowa Workforce Development decision dated November 18, 2020 that determined claimant was not eligible for federal Pandemic Unemployment Assistance (PUA) benefits.

Claimant waived proper notice and a telephone hearing was held on December 29, 2020. The claimant participated personally. The administrative law judge took official notice of the administrative records. Claimant Exhibits A and B were admitted.

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: In March 2020, the United States declared a public health emergency based on the COVID-19 pandemic.

Claimant filed a claim for state unemployment insurance benefits with an effective date of January 26, 2020.

Iowa Workforce Development issued a reference 01 unemployment insurance decision that denied regular unemployment insurance benefits based on a separation from employment from KD Hongo LLC. That decision has been reversed in favor of claimant. She is eligible for regular, state-funded unemployment insurance benefits. At the time of hearing, her regular benefits had not been unlocked. Claimant has not exhausted regular state-funded, PEUC and EB benefits.

Claimant is the primary caregiver for her three teen children. Their school closed pursuant to Governor Reynolds' emergency proclamation on March 17, 2020. Her children finished their 2019-2020 schooling from home with e-learning/remote learning through May 30 2020.

Her children returned to school in fall 2020. Claimant had the option to send her children in person or online through e-learning/remote learning. Due to claimant's location to a bus stop, and lack of transportation, she chose for her children to attend online.

Claimant has not performed work since January 29, 2020 at the Mellow Mushroom restaurant. She is not self-employed. Claimant has no other barriers to employment. Claimant has not had symptoms of Covid-19. No one in claimant's household has been diagnosed with Covid-19.

REASONING AND CONCLUSIONS OF LAW:

For the reasons set forth below, the administrative law judge finds that claimant is not eligible 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.

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—

(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).

An individual must be unemployed and the unemployment must be caused by a major disaster. 20 CFR 625.4.

Because claimant is eligible for regular compensation and has not exhausted all rights to regular unemployment or extended benefits under State or Federal law or pandemic emergency unemployment compensation, she does not meet the definition of an unemployed worker who is entitled to PUA benefits under the law, as outlined above.

The request for Pandemic Unemployment Assistance is denied.

DECISION:

The Iowa Workforce Development decision dated November 18, 2020 that determined claimant was not eligible for federal Pandemic Unemployment Assistance (PUA) is affirmed.



Jennifer L. Beckman
Administrative Law Judge
Unemployment Insurance Appeals Bureau
Iowa Workforce Development
1000 East Grand Avenue
Des Moines, Iowa 50319-0209
Fax 515-478-3528

January 25, 2021
Decision Dated and Mailed

jlb/mh

NOTE TO CLAIMANT: You may find additional information about food, housing, and other resources by dialing 211 or at <https://dhs.iowa.gov/node/3250>