

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

DONALD D PARKER
Claimant

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

APPEAL 21A-DUA-00960-AW-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 12/27/20
Claimant: Appellant (4)

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

STATEMENT OF THE CASE:

Claimant filed an appeal from the Iowa Workforce Development decision dated January 23, 2021 that determined claimant was not eligible for Pandemic Unemployment Assistance (PUA) benefits. Claimant was properly notified of the hearing. A telephone hearing was held on April 14, 2021, at 4:00 p.m. Claimant participated in the hearing. No exhibit were admitted. Official notice was taken of the administrative record.

ISSUE:

Whether claimant is eligible for Pandemic Unemployment Assistance.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant filed a claim for unemployment insurance benefits effective December 27, 2020. Claimant is not monetarily eligible for regular unemployment insurance benefits. Claimant filed an application for Pandemic Unemployment Assistance.

Claimant is self-employed as a plumber and mobile home repair person. Claimant has been employed in this capacity for eight years. Claimant does business as Parker Plumbing and Mobile Home Repair and reports earnings on his personal tax return. The bulk of claimant's work comes from one contractor. Claimant's earnings from the contractor were approximately \$35,000.00 in 2019 and approximately \$4,000.00 in 2020. The contractor told claimant that the reduction in work was a direct result of Covid-19. Prior to Covid-19, claimant performed bathroom remodels for the contractor. After Covid-19, the contractor limited its work to exterior projects to eliminate the need to enter customers' homes. As a result, the contractor had no bathroom remodel work for claimant to perform. Claimant began picking up projects for individual customers.

Claimant was ill with Covid-19 symptoms from August 10, 2020 until August 31, 2020. Claimant was diagnosed with Covid-19. When claimant informed customers that he had contracted Covid-19, they cancelled their projects.

Claimant quarantined from January 5, 2021 until January 18, 2021 due to possible exposure to Covid-19 upon the advice of a medical professional.

Claimant's work picked back up in mid-March 2021.

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 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 Secretary of Labor has approved an additional criterion under subparagraph (kk) to include “self-employed individuals (including independent contractors and gig workers) who experienced a significant diminution of their customary or usual services because of the Covid-19 public health emergency, even absent a suspension of services.” (Unemployment Insurance Program Letter Number 16-20, Change 4, Attachment 1, page 8) Initial PUA claims filed on or

before December 27, 2020, may be backdated no earlier than the week that begins on or after February 2, 2020. (UIPL Number 16-20, Change 4, Attachment 1, page 19)

Claimant had symptoms of Covid-19 from August 10, 2020 until August 31, 2020 and sought a diagnosis. Claimant meets the requirements of subparagraph (aa) above from August 10, 2020 until August 31, 2020 and, thus, is eligible for PUA benefits from August 9, 2020 until August 29, 2020.

Claimant is a self-employed individual who has experienced a significant reduction in services as a direct result of Covid-19. Claimant meets the requirements of subparagraph (kk) and, thus, is eligible for PUA benefits from August 30, 2020 until March 13, 2021.

Also, claimant quarantined from January 5, 2021 until January 18, 2021 due to possible exposure to Covid-19 upon the advice of a medical professional. Claimant meets the requirements of subparagraph (ff) and, thus, is eligible for PUA benefits from January 3, 2021 until January 16, 2021.

DECISION:

The Iowa Workforce Development decision dated January 23, 2021 that determined claimant was not eligible for Pandemic Unemployment Assistance (PUA) benefits is modified in favor of appellant. Claimant meets the requirements of subparagraphs (aa), (ff) and (kk); benefits are allowed from August 9, 2020 until March 13, 2021.



Adrienne C. Williamson
Administrative Law Judge
Unemployment Insurance Appeals Bureau
Iowa Workforce Development
1000 East Grand Avenue
Des Moines, Iowa 50319-0209
Fax (515)478-3528

April 20, 2021
Decision Dated and Mailed

acw/scn