

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

MELISSA WILLEY
Claimant

APPEAL 21A-DUA-00161-SN-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 04/12/20
Claimant: Appellant (1)

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

STATEMENT OF THE CASE:

On December 16, 2020, the claimant filed a timely appeal from the Assessment for Pandemic Unemployment Assistance decision dated December 8, 2020 that determined claimant was not eligible for federal Pandemic Unemployment Assistance (PUA) benefits. A telephone hearing was held on February 6, 2021. The claimant participated personally. The administrative law judge took official notice of the administrative records. Exhibit A was received.

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:

The claimant filed a claim for state unemployment insurance benefits with an effective date of April 14, 2020.

The claimant last as a part-time store clerk worked for Casey's General Store in Centerville, Iowa on March 20, 2020. The claimant averaged 25 to 30 hours. The claimant's location suspended overnight hours from March 2020 to May 20, 2020. However, the claimant had already stopped working for Casey's General Store due to the concerns listed in the paragraph below.

The claimant's father started hospice care in November 2019. He was terminally ill from advanced Lou Gehrig's disease at the time. The claimant became his caretaker. The hospice company said that they should be as restrictive as they could be because of his illness. The claimant was never advised to stop working by a medical provider.

The claimant exhausted her regular unemployment insurance benefits on July 11, 2020.

The claimant started receiving Pandemic Emergency Unemployment Compensation on July 18, 2020.

In the second week of August 2020, the claimant's father's illness had progressed to the extent that the claimant needed to provide him constant care for him.

The claimant exhausted her PEUC benefits on October 10, 2020. The claimant qualified for extended benefits on October 17, 2020.

On October 31, 2020, Iowa Workforce Development suspended the EB program.

The claimant provided a note written by Dr. Kathleen Lange dated November 10, 2020. (Exhibit A) The note states the claimant was currently her full-time caregiver.

The claimant filed for PUA benefits on December 8, 2020.

On December 27, 2020, the claimant's father passed away. The claimant continues to remain away from work due to generalized concerns regarding the harm of transmission to her family. She does not have orders to quarantine from a medical provider stating she cannot work due to these concerns.

On December 27, 2020, the Continued Assistance Act extended PUEC benefits for claimants otherwise eligible.

On February 16, 2020, Iowa Workforce Development implemented the extension of PEUC benefits as outlined in the Continued Assistance Act. The administrative record shows the claimant with a balance of \$372.00 in PEUC benefits.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant is ineligible 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.

That period was subsequently extended through the week ending March 13, 2021 and, in some cases, through the week ending April 10, 2021. See Consolidated Appropriations Act of 2021. The issue to be determined here is whether claimant is a "covered individual" within the meaning of applicable law.

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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—

(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

(II) 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.

The ultimate question of eligibility under PUA is a three step inquiry. First, a claimant must satisfy Section 2102(a)(3)(i) requiring ineligibility for all other state and federal benefits. Second, a claimant must show they are otherwise eligible under state law. Finally, a claimant must show the cause of unemployment is due to a reason listed above in Section 2102(a)(3)(ii)(l)(aa)-(kk).

The first threshold the claimant needs to clear is to show she satisfies Section 2102(a)(3)(i) by showing she is ineligible for regular unemployment, extended benefits and PEUC benefits. By October 17, 2020, the claimant had exhausted her regular benefits and PEUC benefits. On October 31, 2020, the claimant was no longer able to receive extended benefits.

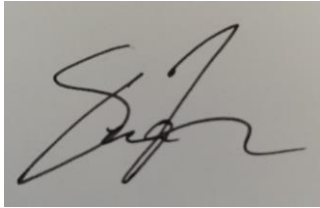
Due to the subsequent passage of the Continued Assistance Act, the claimant became eligible for PEUC benefits on January 2, 2021 from February 13, 2021. She is eligible for PEUC after this period until she exhausts these additional benefits and is ineligible for PUA under Section 2102(a)(3)(i) until these benefits are exhausted. As a result, the claimant can only show she satisfies the requirement of Section 2102(a)(3)(i) from November 2, 2020 to December 26, 2020. However, the claimant cannot show she is otherwise able and available despite a Covid19 related reason to satisfy steps two and three of the analysis.

The claimant self-certified under Section 2102(a)(3)(ii)(l)(ee) because she claims she is unable to reach her place of work due to a quarantine imposed due to Covid19. The claimant's testimony does not support this self-certification because she states she was not able to work due to concerns with her father's health and transmission of Covid19 to him while performing hospice care. In that sense, the claimant appears to be stating her eligibility falls under Section 2102(a)(3)(ii)(l)(ff) because she has been advised by a health care provider to quarantine. The claimant conceded she did not have quarantine orders essentially ordering her to remain off the schedule, so she cannot show she satisfies Section 2102(a)(3)(ii)(l)(ff).

Instead, the claimant appears to be unable and unavailable for work due to the admirable care she gave to her father. See Iowa Code 96.4(3) (requiring an individual to be able and available for work to be eligible). See also Iowa Admin Code r. 871(2) (stating the availability requirement is satisfied when the claimant is willing able and ready to accept suitable work for which the claimant does not have suitable cause to refuse.) The claimant cannot show her unemployment was caused by Section 2102(a)(3)(ii)(l)(aa)-(kk). Benefits are denied.

DECISION:

The December 8, 2020, assessment for PUA benefits that determined claimant was not eligible for federal PUA is affirmed. Benefits are denied.

A handwritten signature in black ink, appearing to read 'Sean M. Nelson', is shown within a rectangular frame.

Sean M. Nelson
Administrative Law Judge
Unemployment Insurance Appeals Bureau
1000 East Grand Avenue
Des Moines, Iowa 50319-0209
Fax (515) 725-9067

March 3, 2021
Decision Dated and Mailed

smn/mh