

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

DIANNE DYE
Claimant

APPEAL 21A-DUA-00914-S2-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 09/27/20
Claimant: Appellant (1)

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

STATEMENT OF THE CASE:

On February 3, 2021, the claimant filed a timely appeal from the Iowa Workforce Development decision dated January 27, 2021 that determined claimant was not eligible for federal Pandemic Unemployment Assistance (PUA) benefits. A telephone hearing was held on April 3, 2021. The claimant was properly notified of the hearing and participated personally. Claimant's Exhibits A-C were received. The administrative law judge took official notice of the administrative record.

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 gave birth to her son on February 7, 2020. (Exhibit A) On June 21, 2020, claimant began working for QPS as a laundry employee. Claimant quit her employment on June 30, 2020, because she no longer had child care. Claimant's mother watched her son for one week, but then she had to go back to work herself so she could not continue watching her grandson.

On October 7, 2020, claimant received a job offer to work at Nordstrom as a warehouse associate. She was scheduled to begin work on October 14, 2020, but was unable to take the position because she did not have child care for her son. Claimant contacted several day care centers, and is on the wait list at two centers that are full, but due to reduced capacity at day care centers because of COVID-19, claimant has been unable to secure a spot for her child. Claimant does not have family nearby that is able to help.

Claimant is ineligible for regular state unemployment insurance benefits.

REASONING AND CONCLUSIONS OF LAW:

For the reasons set forth below, the Iowa Workforce Development decision dated January 27, 2021 that determined claimant was not eligible for federal Pandemic Unemployment Assistance (PUA) is affirmed.

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.

(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—

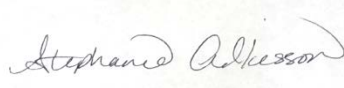
(i) an individual who has the ability to telework with pay; or

(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 administrative law judge has reviewed the facts and applicable laws carefully, and although the administrative law judge is very sympathetic to the claimant's situation, she is not a covered individual pursuant to PL 116-136 Section 2102 a(3)(A)(ii) as she is not unemployed, partially unemployed, or unable or unavailable to work because of one of the enumerated reasons listed in (aa) through (ll). Claimant has not worked since June 2020 because she does not have childcare for her son. The daycares where claimant lives are open, but are full. This is very unfortunate, but she does not meet the criteria necessary to be eligible for PUA benefits. Therefore, her application for benefits must be denied.

DECISION:

The Iowa Workforce Development decision dated January 27, 2021 that determined claimant was not eligible for federal Pandemic Unemployment Assistance (PUA) benefits is affirmed.

A handwritten signature in cursive script, reading "Stephanie Adkisson", written in black ink on a light-colored background.

Stephanie Adkisson
Administrative Law Judge
Unemployment Insurance Appeals Bureau
1000 East Grand Avenue
Des Moines, Iowa 50319-0209
Fax (515)478-3528

April 9, 2021
Decision Dated and Mailed

sa/scn