

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**ELIZABETH PRICE**  
Claimant

**APPEAL 21A-DUA-00632-DG-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 03/22/20  
Claimant: Appellant (4)**

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PL 116-136, Sec. 2102 – Federal Pandemic Unemployment Assistance  
20 CFR 625 – Disaster Unemployment Assistance

**STATEMENT OF THE CASE:**

Claimant filed a timely appeal from the Iowa Workforce Development decision dated January 11, 2021 that determined claimant was not eligible for federal Pandemic Unemployment Assistance (PUA).

After due notice was issued a telephone hearing was conducted on March 18, 2021. Claimant participated personally. The administrative law judge took official notice of the administrative records.

**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 began working for Candeo Iowa in March, 2019. Claimant had concerns for her health when the pandemic began in March, 2020. Claimant met with her doctor on March 24, 2020. Claimant was instructed by her doctor to avoid all contact with the public. Claimant was told that she should not go back into work until further notice. Claimant stopped going into work on that date.

Claimant filed the application for PUA on January 11, 2021. Claimant provided self-certification that she was unable to work for reasons related to the COVID 19 pandemic. Claimant has been off work since March 24, 2020 upon the advice of her doctor. Claimant has underlying health conditions and has still not been released to return to work by her doctor. Claimant is not able to telework and is not on paid leave. Claimant's illness is the only factor keeping her from working at this time.

Claimant was eligible for regular state unemployment insurance benefits until November 1, 2020 through December 26, 2020. She is eligible for PUA benefits during those dates when she was disqualified for regular benefits.

## REASONING AND CONCLUSIONS OF LAW:

For the reasons set forth below, the Iowa Workforce Development decision that determined claimant was not eligible for federal Pandemic Unemployment Assistance (PUA) is modified in favor of the appellant.

The CARES Act was established to provide PUA benefits to qualified individuals who were not eligible for regular compensation or extended benefits under State or Federal law or pandemic emergency unemployment compensation. PL 116-136 Section 2102(a), (b), (c), (d), and (h) provide as follows:

### SEC. 2102. PANDEMIC UNEMPLOYMENT ASSISTANCE.

(a) DEFINITIONS. — In this section:

(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

(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)(I).

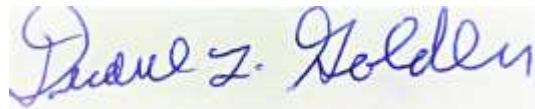
(b) ASSISTANCE FOR UNEMPLOYMENT AS A RESULT OF COVID- 19. —

Subject to subsection (c), the Secretary shall provide to any covered individual unemployment benefit assistance while such individual is unemployed, partially unemployed, or unable to work for the weeks of such unemployment with respect to which the individual is not entitled to any other unemployment compensation (as that term is defined in section 85(b) of title 26, United States Code) or waiting period credit.

The administrative law judge finds claimant is unemployed, partially unemployed, or unable or unavailable to work because of COVID-19 and has not been on paid leave. Specifically, claimant is unable or unavailable to work because she has underlying health conditions which make her high risk if exposed to the COVID-19 virus and has yet to be released to return to work by her doctor. Claimant is otherwise able to work and available for work within the meaning of applicable State law. Claimant was disqualified from regular state unemployment insurance benefits beginning on November 1, 2020 through December 26, 2020. As such, claimant has met the PUA eligibility requirements during those dates.

**DECISION:**

The Iowa Workforce Development decision dated January 11, 2021 that determined claimant was not eligible for federal Pandemic Unemployment Assistance (PUA) is modified in favor of the appellant. Claimant is eligible for PUA benefits beginning on November 1, 2020 through December 26, 2020.



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Duane L. Golden  
Administrative Law Judge

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March 31, 2021  
Decision Dated and Mailed

dlg/ol