

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

---

**DEVONA WILLIAMS**  
Claimant

**APPEAL 21R-DUA-00122-AW-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 11/24/19  
Claimant: Appellant (4)**

---

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

**STATEMENT OF THE CASE:**

Claimant filed an appeal from the Iowa Workforce Development decision dated September 24, 2020 that determined claimant was not eligible for Pandemic Unemployment Assistance (PUA) benefits. Claimant was properly notified of the hearing. A telephone hearing was scheduled for November 17, 2020. No hearing was held because appellant was not available at the telephone number provided for the scheduled hearing. On November 20, 2020, a default decision was issued dismissing the appeal.

On December 7, 2020, claimant appealed to the Employment Appeal Board (EAB). On January 4, 2021, the EAB remanded this matter to the Appeals Bureau for a hearing on the merits. Upon remand, due notice was issued and a hearing was held on February 4, 2021 at 10:00 a.m. Claimant participated. No exhibits were issued. 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 an initial claim for unemployment insurance benefits effective November 24, 2019, when her employment with Walmart ended. Claimant is not eligible for state unemployment insurance (UI) benefits based upon her separation from Walmart. Claimant applied for PUA benefits.

Claimant has six children ages 13 years to seven months old. The children's schools closed in mid-March 2020 due to Covid-19 and remained closed for the rest of the 2019-2020 school year. Claimant requires work-related childcare.

In May 2020, claimant was offered employment as a full-time Customer Service Representative with Geico. Claimant was unable to accept the position due to lack of childcare as a result of Covid-19.

Claimant delivered her youngest child on June 5, 2020. The child remained hospitalized for six weeks. Upon release from the hospital, the child's physician advised claimant to quarantine due to the child's medical condition and the risk of Covid-19. If claimant was employed at the time her child was born, claimant would have been on maternity leave from June 5, 2020 until September 5, 2020.

Two of claimant's children contracted Covid-19. Claimant was advised to quarantine from December 7, 2020 to December 28, 2020 as a result.

### **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).

Here, claimant satisfies multiple subparagraphs outlined above beginning March 15, 2020. Claimant's children's schools were closed due to Covid-19 from March 15, 2020 through the remainder of the 2019-2020 school year; claimant satisfies subparagraph (dd) from March 15,

2020 through June 1, 2020. Claimant was scheduled to commence unemployment in May 2020, but was unable to begin the job due to Covid-19; claimant satisfies subparagraph (gg) effective May 2020. Claimant was advised by a physician to quarantine due her child's underlying medical condition effective mid-July 2020; claimant satisfies subparagraph (ff) effective mid-July 2020. Two of claimant's children were diagnosed with Covid-19 and advised by medical professionals to quarantine from December 7, 2020 until December 28, 2020; claimant satisfies subparagraphs (bb), (cc) and (ff) from December 7, 2020 through December 28, 2020. Accordingly, claimant is eligible for PUA benefits effective March 15, 2020, provided she is otherwise able to and available for work.

In order to be eligible for PUA, a claimant must be otherwise able to and available for work within the meaning of the applicable State law.

Iowa Code section 96.4(3) provides:

An unemployed individual shall be eligible to receive benefits with respect to any week only if the department finds that:

3. The individual is able to work, is available for work, and is earnestly and actively seeking work. This subsection is waived if the individual is deemed partially unemployed, while employed at the individual's regular job, as defined in section 96.19, subsection 38, paragraph "b", unnumbered paragraph (1), or temporarily unemployed as defined in section 96.19, subsection 38, paragraph "c". The work search requirements of this subsection and the disqualification requirement for failure to apply for, or to accept suitable work of section 96.5, subsection 3 are waived if the individual is not disqualified for benefits under section 96.5, subsection 1, paragraph "h".

Iowa Admin. Code r. 871-24.22(2) provides:

Benefit eligibility conditions. For an individual to be eligible to receive benefits the department must find that the individual is able to work, available for work, and earnestly and actively seeking work. The individual bears the burden of establishing that the individual is able to work, available for work, and earnestly and actively seeking work.

(2) Available for work. The availability requirement is satisfied when an individual is willing, able, and ready to accept suitable work which the individual does not have good cause to refuse, that is, the individual is genuinely attached to the labor market. Since, under unemployment insurance laws, it is the availability of an individual that is required to be tested, the labor market must be described in terms of the individual. A labor market for an individual means a market for the type of service which the individual offers in the geographical area in which the individual offers the service. Market in that sense does not mean that job vacancies must exist; the purpose of unemployment insurance is to compensate for lack of job vacancies. It means only that the type of services which an individual is offering is generally performed in the geographical area in which the individual is offering the services.

j. Leave of absence. A leave of absence negotiated with the consent of both parties, employer and employee, is deemed a period of voluntary unemployment for the employee-individual, and the individual is considered ineligible for benefits for the period.

(1) If at the end of a period or term of negotiated leave of absence the employer fails to reemploy the employee-individual, the individual is considered laid off and eligible for benefits.

(2) If the employee-individual fails to return at the end of the leave of absence and subsequently becomes unemployed the individual is considered as having voluntarily quit and therefore is ineligible for benefits.

An individual claiming benefits has the burden of proof that she is be able to work, available for work, and earnestly and actively seeking work. Iowa Admin. Code r. 871-24.22.

Claimant was unable and unavailable for work under State law from June 5, 2020 until September 5, 2020 due to maternity leave. Accordingly, claimant is not eligible for unemployment insurance benefits during that period of time.

**DECISION:**

The Iowa Workforce Development decision dated September 24, 2020 that determined claimant was not eligible for Pandemic Unemployment Assistance (PUA) benefits is modified in favor of appellant. Claimant meets the requirements of subparagraphs (bb), (cc), (dd), (ff) and (gg) effective March 15, 2020. Claimant was not otherwise able to and available for work under applicable State law from June 5, 2020 through September 5, 2020.

Therefore, PUA is allowed from March 15, 2020 through June 6, 2020, denied from June 7, 2020 through September 5, 2020 and allowed effective September 6, 2020.



---

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

February 18, 2021  
Decision Dated and Mailed

acw/ol