

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**KAITLYN A THOMAS**  
Claimant

**APPEAL 20A-DUA-00526-JC-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE DEVELOPMENT  
DEPARTMENT**

**OC: 07/26/20**  
**Claimant: Appellant (4)**

PL 116-136, Sec. 2012 – Federal Pandemic Unemployment Assistance  
20 CFR 625 – Disaster Unemployment Assistance

**STATEMENT OF THE CASE:**

On October 5, 2020, the claimant filed a timely appeal from the Iowa Workforce Development decision dated September 29, 2020 that determined claimant was not eligible for federal Pandemic Unemployment Assistance (PUA) benefits.

After proper notice, a telephone hearing was held on December 16, 2020. The claimant participated personally. Claimant Exhibit A was admitted. 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: In March 2020, the United States declared a public health emergency based on the COVID-19 pandemic.

Claimant filed a claim for state unemployment insurance benefits with an effective date of July 26, 2020. Iowa Workforce Development denied state funded benefits based upon a lack of qualified earnings.

Claimant then applied for Pandemic Unemployment Assistance (PUA) benefits. Claimant began employment in September 2019 and worked part-time for Drake University in its concessions stand. She earned \$8.00 an hour, working 8-10 hours week. She last performed work on March 8, 2020. Drake University closed its concessions stand and classes moved online for the duration of the semester, ending May 18, 2020.

Claimant moved home to Phoenix for the summer. Claimant returned to Des Moines to attend her classes online for the fall term. Fall term began August 6, 2020.

On August 27, 2020, claimant's treating physician advised claimant not to work with the public due to health conditions. Claimant contacted her employer and asked to work in jobs that were

not with the public (such as in the library, which is by appointment only) and none were available. Claimant returned to Phoenix on November 16, 2020 (per her postponement request) and completed the semester online.

Claimant has no other barriers to employment. Claimant has not had symptoms of Covid-19. No one in claimant's household has been diagnosed with Covid-19.

### **REASONING AND CONCLUSIONS OF LAW:**

For the reasons set forth below, the administrative law judge finds that claimant's request is approved in part and denied in part.

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.

The issue to be determined here is whether claimant is a "covered individual" within the meaning of applicable law.

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

(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).

An individual must be unemployed and the unemployment must be caused by a major disaster. 20 CFR 625.4.

In this case, the claimant is not monetarily eligible for unemployment insurance benefits funded by the State of Iowa pursuant to Iowa Code § 96.4(4)a. This is due to a lack of being paid sufficient wages in insured work during the base period. Claimant therefore meets the requirements of PL 116-136 Section 2102(a)(3)(A)(i); however, she **must also** meet the requirements of PL 116-136 Section 2102(a)(3)(A)(ii) to qualify as a “covered individual” under the CARES Act.

PL 116-136 Section 2102(a)(3)(A)(ii)(I) establishes that the claimant must provide self-certification that she is otherwise able to work and available for work within the meaning of applicable State law, except that she is unemployed, partially unemployed, or unable or unavailable to work because of one of the enumerated reasons listed in (aa) through (II). These reasons can change from week to week as is the case here.

In this case, Claimant's employer closed from March 9, 2020 through May 18, 2020. **PUA benefits are allowed from March 8, 2020 through May 23, 2020 under PL 116-136 Section 2102(a)(3)(A)(ii)(jj).**

Claimant moved home to Arizona for the summer and therefore was not available to work for her employer. She failed to meet any of the other requirements under PL 116-136 Section 2102(a)(3)(A)(ii)(I). **PUA benefits are denied from May 24, 2020 through August 22, 2020.**

Effective the week beginning August 23, 2020, claimant has been on a medical restriction by her doctor and advised not to work with the public/self-quarantine. **Benefits are allowed beginning August 23, 2020 under PL 116-136 Section 2102(a)(3)(A)(ii)(ff)** so long as claimant meets all other requirements.

**DECISION:**

The Iowa Workforce Development decision dated September 29, 2020 that determined claimant was not eligible for federal Pandemic Unemployment Assistance (PUA) is modified in favor of claimant/appellant:

PUA benefits are allowed from March 8, 2020 through May 23, 2020 under PL 116-136 Section 2102(a)(3)(A)(ii)(jj).

PUA benefits are denied from May 24, 2020 through August 22, 2020.

PUA Benefits are allowed beginning August 23, 2020 under PL 116-136 Section 2102(a)(3)(A)(ii)(ff).



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December 31, 2020  
Decision Dated and Mailed

jlb/scn