

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

RYAN M WILLIAMS
Claimant

APPEAL 21A-DUA-01704-S2-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 11/01/20
Claimant: Appellant (4)

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

STATEMENT OF THE CASE:

On July 9, 2021, claimant Ryan M. Williams filed a timely appeal from the Iowa Workforce Development decision dated June 30, 2021 that determined claimant was not eligible for federal Pandemic Unemployment Assistance (PUA) benefits. After a hearing notice was mailed to the claimant's last-known address of record, a telephone hearing was held on August 21, 2021. Claimant participated personally. 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 was last employed by G and R Integrated Services. The last day he worked was on October 17, 2020.

On October 22, 2020, claimant became ill with COVID-19 symptoms. He was ill and unable to work until November 22, 2020 due to his symptoms. He was too ill to see a doctor during this period and remained home quarantining.

The claimant filed his initial claim for regular unemployment insurance benefits funded through the State of Iowa with an effective date of November 1, 2020. On January 22, 2021 (reference 01) an unemployment insurance benefits decision was issued finding that the claimant was denied regular unemployment insurance benefits funded by the State of Iowa due to a discharge from G and R Integration Services. Claimant filed an application for PUA benefits on June 6, 2021.

REASONING AND CONCLUSIONS OF LAW:

For the reasons set forth below, the Iowa Workforce Development decision dated June 20, 2021 that determined claimant was not eligible for federal Pandemic Unemployment Assistance (PUA)

is modified in favor of the appellant/claimant. Benefits are allowed October 25, 2020, through November 21, 2020, provided claimant is otherwise eligible.

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. For claims filed after December 27, 2020, the PUA claimant can only be backdated to December 6, 2020 and retroactive benefits may not be awarded prior to that date. See Unemployment Insurance Program Letter No. 16-20, Change 5.

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).

In this case, claimant is ineligible for unemployment insurance benefits funded by the State of Iowa pursuant to a disqualifying decision dated January 22, 2020. Claimant therefore meets the requirements of PL 116-136 Section 2102(a)(3)(A)(i); however, he 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.

Claimant suffered from COVID-19 symptoms and remained home quarantining. He was otherwise able to and available for work except for the COVID-19 like symptoms he was experiencing. Claimant filed his claim after December 27, 2020. He can only backdate his claim to December 6, 2020. See Department of Labor, Unemployment Insurance Program Letter, No.

16-20 Change 4, (January 8, 2021)(stating at pg. I-19 initial claims filed after December 27, 2020 can only be back dated to December 7, 2020 in states with a Sunday weekend date). However, while claimant filed his application for PUA after December 27, 2020, he did not receive the disqualifying decision until January 22, 2021. As such, his claim can be backdated to the period when he was quarantined. See Department of Labor's Unemployment Insurance Program Letter No. 16-20, Change 4. Pandemic Unemployment Assistance (PUA) benefits are allowed effective October 25, 2020, through November 21, 2020.

DECISION:

The Iowa Workforce Development decision dated June 30, 2021 that determined claimant was not eligible for federal Pandemic Unemployment Assistance (PUA) benefits is modified in favor of the appellant/claimant. Benefits are allowed October 25, 2020, through November 21, 2020, provided claimant is otherwise eligible.



Stephanie Adkisson
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August 26, 2021
Decision Dated and Mailed

sa/scn