

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**COURTNEY L JOHNSON**  
Claimant

**APPEAL 21A-DUA-01702-S2-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE DEVELOPMENT  
DEPARTMENT**

**OC: 04/19/20**  
**Claimant: Appellant (1)**

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

**STATEMENT OF THE CASE:**

On July 8, 2021, claimant Courtney L. Johnson filed a timely appeal from the Iowa Workforce Development decision dated June 28, 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 at Seaboard Triumph Foods. On April 14, 2020, claimant's children's day care provider closed its doors due to a COVID-19 outbreak. Claimant was unable to work as a result of the closure. She attempted to find other care for her children but she was unsuccessful. Claimant was able to return to work on or about July 15, 2020, when she secured daycare.

The claimant filed her initial claim for regular unemployment insurance benefits funded through the State of Iowa with an effective date of April 19, 2020. On July 16, 2020 (reference 04) 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 an approved leave of absence with Seaboard. Claimant did not file for PUA benefits at that time because she did not understand she could apply for PUA benefits to be backdated. Claimant filed an application for PUA benefits in 2021, after receiving decisions stating claimant was overpaid benefits.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons set forth below, the Iowa Workforce Development decision dated June 28, 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. 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—

(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

(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).

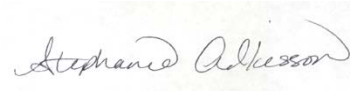
In this case, claimant is ineligible for unemployment insurance benefits funded by the State of Iowa pursuant to Iowa Code § 96.4(4)a. This is due to a July 16, 2020 (reference 04) disqualification decision. Claimant therefore meets the requirements of PL 116-136 Section 2102(a)(3)(A)(i); however, she 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.

Claimant cared for her children when their daycare closed due to the pandemic beginning April 14, 2020, until she secured child care effective July 15, 2020. However, Section 201(f) of the Continued Assistance Act provides a limitation on backdating for claims filed after December 27, 2020 (the enactment date of the Continued Assistance Act). PUA initial claims filed on or before December 27, 2020 may be backdated no earlier than the week that begins on or after February 2, 2020, the first week of the PAP. See UIPL No. 16-20 Change 4, dated January 8, 2021. Initial PUA claims filed after December 27, 2020 may be backdated no earlier than December 1, 2020. Claimant filed her PUA claim in 2021. Thus, the claim cannot be backdated to the period when

claimant's daycare was closed due to COVID-19. Claimant is not unemployed, partially unemployed, or unable or unavailable to work because the COVID-19 public health emergency reasons listed in (aa) through (ll) during the period she would eligible, beginning December 1, 2020. As such, Pandemic Unemployment Assistance (PUA) benefits are denied.

**DECISION:**

The Iowa Workforce Development decision dated June 28, 2021 that determined claimant was not eligible for federal Pandemic Unemployment Assistance (PUA) benefits is affirmed.



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Stephanie Adkisson  
Administrative Law Judge  
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August 26, 2021  
Decision Dated and Mailed

sa/scn