

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

LAURIE COOPER
Claimant

APPEAL 21A-DUA-00134-ED-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 05/03/20
Claimant: Appellant (2)

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

STATEMENT OF THE CASE:

Laurie Cooper, the claimant/appellant, filed an appeal from the Iowa Workforce Development decision dated December 3, 2020 that determined she was not eligible for Pandemic Unemployment Assistance (PUA) benefits. Claimant was properly notified of the hearing. A telephone hearing was held on February 5, 2021. Ms. Cooper participated and testified. Official notice was taken of the administrative record.

ISSUES:

Is Claimant eligible for PUA benefits?

FINDINGS OF FACT:

Having reviewed the evidence in the record, the administrative law judge finds:

The administrative law judge further finds: Claimant worked at Ag Partners until May 3, 2020. Claimant's children attended school which was required for claimant to work. Claimant's school was closed in March 2020 and her children were required to attend school from home remotely. Telework was not available.

Claimant resided in Bradford, Iowa, which did not have secure internet access. Claimant had to take her children to Iowa Falls to access the internet for online school due to the COVID-19 pandemic. Claimant requested time off to assist her kids with online school. This request was denied, so claimant submitted her resignation.

Claimant was denied regular state unemployment benefits.

In July 2020, claimant self-quarantined when her husband was diagnosed with Covid-19.

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—

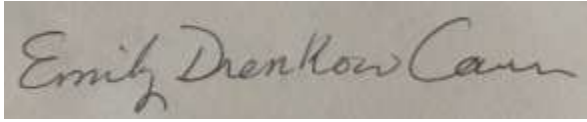
(i) an individual who has the ability to telework with pay; or

(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).

In this case, claimant's children's school was closed as a direct result of Covid-19. Claimant made a good faith effort to work from home but was unable to do so. Therefore, claimant meets the eligibility requirements of subparagraph (dd). Accordingly, claimant is eligible for PUA benefits.

DECISION:

The Iowa Workforce Development decision dated December 3, 2020 that determined claimant was not eligible for Pandemic Unemployment Assistance (PUA) benefits is reversed. Claimant is eligible for PUA benefits pursuant to subparagraph (dd).

A handwritten signature in cursive script, reading "Emily Drenkow Carr", written in dark ink on a light-colored background.

Emily Drenkow Carr
Administrative Law Judge
Unemployment Insurance Appeals Bureau
Iowa Workforce Development
1000 East Grand Avenue
Des Moines, Iowa 50319-0209
Fax (515)478-3528

February 23, 2021
Decision Dated and Mailed

ed/kmj