

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**ARTHUR A CONTRERAS**  
Claimant

**APPEAL 21A-DUA-00310-DZ-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 02/02/20**  
**Claimant: Appellant (1)**

PL 116-136, Sec. 2102 – Federal Pandemic Unemployment Assistance  
20 CFR 625 – Disaster Unemployment Assistance

**STATEMENT OF THE CASE:**

Arthur A Contreras, the claimant/appellant, filed an appeal from the Iowa Workforce Development decision dated December 11, 2020 that determined he was not eligible for Pandemic Unemployment Assistance (PUA) benefits. Mr. Contreras was properly notified of the hearing. A telephone hearing was held on February 27, 2021, at 9:00 a.m. Mr. Contreras participated in the hearing. Official notice was taken of the administrative record.

**ISSUE:**

Is Mr. Contreras eligible for Pandemic Unemployment Assistance (PUA) benefits?

**FINDINGS OF FACT:**

Having reviewed the evidence in the record, the administrative law judge finds: Mr. Contreras last worked at Avery Technical Services. He worked as a full-time, seasonal wind turbine inspector/field representative. His job ended on February 2, 2020.

Mr. Contreras had COVID-19 symptoms in late February 2020. He self-quarantined. In March 2020, the United States declared a public health emergency because of the COVID 19 pandemic.

No one in Mr. Contreras' household has tested positive for COVID-19. Mr. Contreras does not require childcare in order to attend work. Mr. Contreras has not been scheduled to commence a new job that was cancelled due to COVID-19.

Mr. Contreras was eligible for and received regular unemployment insurance (UI) benefits and Pandemic Emergency Unemployment Compensation (PEUC) benefits from February 2, 2020 through October 31, 2020. Mr. Contreras exhausted his eligibility for both programs effective October 31, 2020.

The Iowa Workforce Development decision dated February 17, 2020 determined that Mr. Contreras is again eligible for PEUC benefits effective December 27, 2020.

## 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

(II) 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 (I); 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)(I).

Mr. Contreras is eligible for regular UI benefits and PEUC benefits from February 2, 2020 through October 31, 2020. Therefore, Mr. Contreras is not eligible for PUA benefits during this time period.

Mr. Contreras is eligible for PEUC benefits effective December 27, 2020. Therefore, Mr. Contreras is not eligible for PUA benefits effective December 27, 2020.

Mr. Contreras does not meet any of the eligibility requirements of subparagraphs (aa) through (kk) from November 1, 2020 through December 26, 2020. Therefore, Mr. Contreras is not eligible for PUA benefits from November 1, 2020 through December 26, 2020.

**DECISION:**

The Iowa Workforce Development decision dated December 11, 2020 that determined Mr. Contreras is not eligible for Pandemic Unemployment Assistance (PUA) benefits is affirmed.



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Daniel Zeno  
Administrative Law Judge  
Unemployment Insurance Appeals Bureau  
Iowa Workforce Development  
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March 8, 2021  
Decision Dated and Mailed

dz/lj