

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**WILLIAM P FRATTO FARRELL**  
Claimant

**APPEAL 20A-DUA-00321-JC-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE DEVELOPMENT  
DEPARTMENT**

**OC: 05/10/20**  
**Claimant: Appellant (2)**

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PL 116-136, Sec. 2012 – Federal Pandemic Unemployment Assistance

**STATEMENT OF THE CASE:**

On September 7, 2020, the claimant filed a timely appeal from the Iowa Workforce Development decision dated August 31, 2020 that determined claimant was not eligible for federal Pandemic Unemployment Assistance (PUA) benefits.

After proper notice, a telephone hearing was conducted on October 16, 2020. The claimant participated personally. The administrative law judge took official notice of the administrative records. Claimant Exhibits A and B were also admitted.

**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 May 10, 2020. Claimant is self-employed and has no insured wages in his monetary record. Therefore, claimant is not eligible for regular unemployment insurance benefits.

Claimant then completed an application for Pandemic Unemployment Assistance (PUA) benefits. Claimant is a full-time stand-up comedian/entertainer based out of Des Moines. He performs at clubs, casinos, cruise ships, and corporate parties and travels outside of Iowa as jobs arise (Claimant Contract A.)

He last performed work on March 17, 2020. He had been hired to do a two-week contract at the Strat in Las Vegas. The casino was required to close due to COVID-19, and claimant was unable to complete the assignment. Claimant also lost pre-booked shows after COVID-19, including a two-week run at the Funny Bone Comedy Club in Des Moines, Iowa. Due to venues having a capacity reduced and at times closed by the government, claimant has been unable to perform work. Thus, claimant has experienced a diminution

Iowa Workforce Development denied the application on the basis that claimant should have filed the claim in Nevada.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons set forth below, the administrative law judge finds that claimant is eligible for PUA benefits based on his current application.

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 filed the application for PUA benefits in the correct state.

Title 20 of the Code of Federal Regulations, section 626.12 provides:

- (a) Applicable State. The applicable State for an individual shall be that State in which the individual's unemployment is the result of a major disaster.
- (b) Limitation. DUA is payable to an individual only by an applicable State as determined pursuant to paragraph (a) of this section, and—
  - (1) Only pursuant to an Agreement entered into pursuant to the Act and this part, and with respect to weeks in which the Agreement is in effect; and
  - (2) Only with respect to weeks of unemployment that begin during a Disaster Assistance Period.

The administrative law judge has reviewed the facts and applicable laws, and concludes he meets the definition of an unemployed worker who is entitled to PUA benefits under the law, as outlined above. In order to be eligible for PUA in Iowa, claimant must certify that he is unemployed due to COVID 19 directly causing his unemployment in Iowa. Claimant resides in Iowa, works in Iowa, and most recently lost a two-week stint at the Funny Bone in Des Moines as a result of COVID-19. Claimant has little tie to Nevada, and works all over the country. Comedy shows all over the country have been cancelled as a result of the pandemic. The administrative record concludes Iowa is the correct state for the claimant to have filed his application for PUA. Accordingly, the request for Pandemic Unemployment Assistance is granted.

**DECISION:**

The Iowa Workforce Development decision dated August 31, 2020 that determined claimant was not eligible for federal Pandemic Unemployment Assistance (PUA) is reversed. The claimant is eligible for PUA effective May 10, 2020.



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Jennifer L. Beckman  
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October 29, 2020  
Decision Dated and Mailed

jlb/sam