

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

BRIAN J MOSSMAN
Claimant

APPEAL 20A-DUA-00013-S1-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 04/19/20
Claimant: Appellant (2/R)

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

STATEMENT OF THE CASE:

On July 19, 2020, Brian Mossman (claimant/appellant) filed a timely appeal from the Iowa Workforce Development decision dated July 10, 2020, reference 01, that determined claimant was not eligible for federal Pandemic Unemployment Assistance (PUA). After a hearing notice was mailed to the claimant's last-known address of record, a telephone hearing was held on August 28, 2020. The claimant participated personally and through Betty Luther, Officer. The administrative law judge took official notice of the administrative file.

ISSUE:

The issue is whether the claimant is eligible for Pandemic Unemployment Assistance.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant filed the application for PUA on April 19, 2020. The claimant is a self-employed individual and owns a business called B & B Home Rentals, LLC. The property rents properties to students. The claimant's income shows one-hundred-percent active earnings on his taxes. The claimant engages in bookkeeping, property maintenance, yard work, showing property, and rent collection, etc.

The school closed on March 25, 2020, due to the Covid-19 pandemic and all the students left. He had no rentals due to Covid-19. In August 2020, the students began to move back and the business was able to rent properties.

The claimant is not eligible for regular compensation or extended benefits under state or federal law or Pandemic Emergency Unemployment Compensation (PEUC).

REASONING AND CONCLUSIONS OF LAW:

For the reasons set forth below, claimant was eligible for federal Pandemic Unemployment Assistance (PUA).

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" 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).

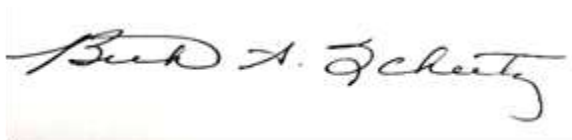
The administrative law judge finds the claimant is self-employed, and does not otherwise qualify for regular unemployment or extended benefits under State or Federal law or pandemic emergency unemployment compensation. His business shut down due to Covid-19. He does not have the ability to telework. The claimant meets the additional criteria established by the Secretary for unemployment assistance. Benefits are allowed.

The issue of the benefit amount is remanded for determination.

DECISION:

The Iowa Workforce Development decision dated July 10, 2020, reference 01, that determined claimant was not eligible for federal Pandemic Unemployment Assistance (PUA) is reversed. The claimant meets the additional criteria established by the Secretary for unemployment assistance. Benefits are allowed.

The issue of the benefit amount is remanded for determination.

A handwritten signature in cursive script, reading "Beth A. Scheetz". The signature is written in dark ink on a light-colored background.

Beth A. Scheetz
Administrative Law Judge
Unemployment Insurance Appeals Bureau
1000 East Grand Avenue
Des Moines, Iowa 50319-0209
Fax (515) 478-3528

September 2, 2020
Decision Dated and Mailed

bas/sam