

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

RACHAEL SWIFT
Claimant

APPEAL 20A-DUA-00923-DG-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

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

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

STATEMENT OF THE CASE:

Claimant filed a timely appeal from the Iowa Workforce Development decision dated October 23, 2020 that determined claimant was not eligible for federal Pandemic Unemployment Assistance (PUA).

After due notice was issued a telephone hearing was conducted on December 28, 2020. Claimant participated personally. The administrative law judge took official notice of the administrative records.

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 employed by Loras College beginning in February 2019. She was laid off work by Loras College sometime in late March, 2020 because the school had to shut down because of the pandemic. Claimant was forced to leave the school and seek employment elsewhere on that date. Claimant is not considered self-employed.

Claimant filed the application for PUA on October 23, 2020. Claimant provided self-certification that she was unable to work for reasons related to the COVID 19 pandemic at the time of her application. Claimant has been off work since March, 2020 because she was laid off work when Loras College closed its doors. Claimant was not offered work again by that employer. Claimant is not able to telework and is not on paid leave.

Claimant is ineligible from regular state unemployment insurance benefits due to a lack of qualified earnings. She has wages in Illinois prior to which she earned before she began working in Iowa.

REASONING AND CONCLUSIONS OF LAW:

For the reasons set forth below, the Iowa Workforce Development decision that determined claimant was not eligible for federal Pandemic Unemployment Assistance (PUA) is reversed.

The CARES Act was established to provide PUA benefits to qualified individuals who were not eligible for regular compensation or extended benefits under State or Federal law or pandemic emergency unemployment compensation. PL 116-136 Section 2102(a), (b), (c), (d), and (h) provide as follows:

SEC. 2102. PANDEMIC UNEMPLOYMENT ASSISTANCE.

(a) DEFINITIONS. — In this section:

(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).

(b) ASSISTANCE FOR UNEMPLOYMENT AS A RESULT OF COVID-19. —

Subject to subsection (c), the Secretary shall provide to any covered individual unemployment benefit assistance while such individual is unemployed, partially unemployed, or unable to work for the weeks of such unemployment with respect to which the individual is not entitled to any other unemployment compensation (as that term is defined in section 85(b) of title 26, United States Code) or waiting period credit.

20 CFR 625.12(a) provides:

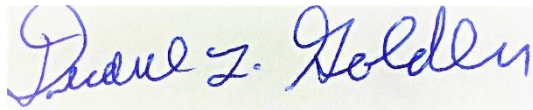
(a) Applicable State. The applicable State for an individual shall be that State in which the individual's unemployment is the result of a major disaster.

Claimant does have wages in Illinois for the third quarter of 2019, and the first quarter of 2020. Illinois is not the applicable state because she lost her employment due to the pandemic in Iowa in March, 2020. Iowa is the state in which claimant alleges her unemployment resulted from the pandemic. Iowa is therefore the applicable state.

The administrative law judge finds claimant is unemployed, partially unemployed, or unable or unavailable to work because of COVID-19 and has not been on paid leave. Specifically, claimant is unable or unavailable to work because she was laid off by her employer because it had to close due to the pandemic. Claimant is otherwise able to work and available for work within the meaning of applicable State law. Claimant was disqualified from regular state unemployment insurance benefits due to being monetarily ineligible. As such, claimant has met the PUA eligibility requirements.

DECISION:

The Iowa Workforce Development decision dated October 23, 2020 that determined claimant was not eligible for federal Pandemic Unemployment Assistance (PUA) is reversed. Any benefits claimed and withheld on this basis shall be paid from the date upon which claimant first became eligible.

A handwritten signature in blue ink, reading "Duane L. Golden", is written over a light green rectangular background.

Duane L. Golden
Administrative Law Judge

January 22, 2021
Decision Dated and Mailed

dlg/mh