

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

JENNIFER STUART
Claimant

APPEAL 21A-DUA-00030-DZ-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 03/29/20
Claimant: Appellant (4)

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

STATEMENT OF THE CASE:

Jennifer Stuart, the claimant/appellant, filed an appeal from the Iowa Workforce Development decision dated December 4, 2020 that determined that she was not eligible for Pandemic Unemployment Assistance (PUA) benefits. Ms. Stuart was properly notified of the hearing. A telephone hearing was held on January 30, 2021, at 8:00 a.m. Ms. Stuart participated and testified. Claimant's Exhibit A and B were admitted in evidence. Official notice was taken of the administrative record.

ISSUE:

Is Ms. Stuart eligible for PUA benefits?

FINDINGS OF FACT:

Having reviewed the evidence in the record, the administrative law judge finds: Ms. Stuart began working at TruGreen on February 18, 2020. She worked as a full-time customer relations specialist.

In March 2020, the United States declared a public health emergency because of the COVID 19 pandemic. In late March, Ms. Stuart stopped working due to COVID-19 symptoms. She went to her doctor on April 10. She tested negative for COVID-19 but she was diagnosed with bronchitis. Ms. Stuart also has several chronic health conditions – bad lungs, heart disease and kidney disease – that put her at heightened risk of complications due to the pandemic. Ms. Stuart gave the employer a doctor's note, dated April 10, 2020, that excused her from work until further notice. Claimant's Exhibit A. The employer accepted the note and told Ms. Stuart to keep them informed. Ms. Stuart gave the employer an updated doctor's note, dated November 17, 2020, that provides that Ms. Stuart is restricted from working in a setting that requires recurring or continuous exposure to others due to her chronic health conditions. Claimant's Exhibit B. The employer accepted the note and told Ms. Stuart to keep them informed. Ms. Stuart's job at TruGreen would require her to have recurring or continuous exposure to others

Ms. Stuart had COVID-19 symptoms three more times. In early August, Ms. Stuart had COVID-19 symptoms. Although she tested negative, due to her chronic health conditions she was advised by her medical provider, and did, self-quarantine for 14 days. In mid-October, Ms. Stuart again had COVID-19 symptoms. She tested negative again but due to her chronic health conditions she was advised again by her medical provider, and she did again, self-quarantine for 14 days. In early December, Ms. Stuart again had COVID-19 symptoms. She tested negative again but due to her chronic health conditions she was advised again by her medical provider, and she did again, self-quarantine for 14 days.

Ms. Stuart is the parent and primary caregiver of her son, age 16. However, she does not need childcare in order to attend work.

No one in Ms. Stuart's household has been diagnosed with Covid-19. She has not scheduled to begin new employment, which was cancelled due to Covid-19.

Ms. Stuart filed her initial claim for unemployment insurance (UI) benefits effective March 29, 2020. Ms. Stuart was eligible for and received regular unemployment insurance (UI) benefits and Extended Benefits from March 29, 2020 through October 31, 2020. Ms. Stuart exhausted her eligibility as of October 31 and is no longer eligible for regular UI benefits.

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)(I).

In this case, since Ms. Stuart was eligible for regular UI benefits from March 29, 2020 through October 31, 2020, she is not eligible for PUA benefits during this period.

Ms. Stuart's medical provider had advised her to self-quarantine due to her chronic health conditions effective April 10, 2020 until further notice. Ms. Stuart self-quarantined beginning April 10. On November 17, 2020, Ms. Stuart's medical provider advised her to continue to self-quarantine unless she could work in a setting where she did not have recurring or continuous exposure to others. Ms. Stuart continued to self-quarantine. Ms. Stuart meets the eligibility requirements of subparagraph (ff) effective November 1, 2020. Ms. Stuart also meets the eligibility requirements of subparagraph (aa) and (ff) in early August, mid-October and early December when she experienced symptoms of COVID-19 and self-quarantined for 14 days after each incident. Ms. Graper must make weekly continued claims in order to receive benefits.

DECISION:

The Iowa Workforce Development decision dated December 4, 2020 that determined Ms. Stuart was not eligible for Pandemic Unemployment Assistance (PUA) benefits is modified in favor of the appellant, Ms. Stuart. Ms. Stuart is eligible for PUA benefits effective November 1, 2020 pursuant to paragraphs (aa) and (ff).



Daniel Zeno
Administrative Law Judge
Unemployment Insurance Appeals Bureau
Iowa Workforce Development
1000 East Grand Avenue
Des Moines, Iowa 50319-0209
Fax 515-478-3528

February 16, 2021
Decision Dated and Mailed

dz/ol