

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

RAODA A HAGAR
Claimant

APPEAL 21A-DUA-00791-JC-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 07/12/20
Claimant: Appellant (4)

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

STATEMENT OF THE CASE:

The claimant, Raoda A. Hagar, filed a timely appeal from the Iowa Workforce Development decision dated January 15, 2021 that determined claimant was not eligible for federal Pandemic Unemployment Assistance (PUA) benefits. After proper notice, a telephone hearing was held on April 2, 2021. The claimant participated personally and through a Sudanese interpreter with CTS Language Link. The administrative law judge took official notice of the administrative records.

ISSUES:

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.

The claimant filed a claim for state unemployment insurance benefits with an effective date of July 12, 2020. The claimant lacks insured wages in her monetary record. Therefore, the claimant is not eligible for regular unemployment insurance benefits. The claimant then applied for Pandemic Unemployment Assistance (PUA) benefits.

Claimant's child was born in March 2020. Claimant is diabetic and had pneumonia prior to giving birth. Due to claimant's own health, her newborn child, and lack of childcare and family, claimant did not perform work from March 2020 until she began part-time employment at Walmart effective December 24, 2020. Claimant performed work and reported wages each week.

On February 28, 2020, claimant's child experienced symptoms of COVID-19 and was taken to the emergency room. Claimant's child initially tested negative but the symptoms returned. Claimant's childcare provider also tested positive for COVID-19. Since March 19, 2021, claimant has been at home, self-isolating (quarantining) with her child based upon doctor's advice. She will return to work April 5, 2021. Claimant has no other barriers to employment.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant is eligible for Pandemic Unemployment Assistance (PUA) benefits effective *February 28, 2021 through April 4, 2021*.

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 Continued Assistance for Unemployed Workers Act of 2020 (enacted December 27, 2020) and American Rescue Act of 2021 (enacted March 11, 2021) extended PUA benefits for weeks of unemployment to September 6, 2021.

The issue to be determined here is whether claimant is a “covered individual” 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).

The United States Code authorizes the Secretary of the United States Department of Labor to enter into agreements with states to administer Pandemic Unemployment Assistance (PUA) benefits under the CARES Act. PL 116-136, Sec. 2102(f). The United States Department of Labor has issued operating instructions to states in implementing section 2102 of the CARES Act. Iowa Code § 96.11 mandates that Iowa Workforce Development “shall cooperate with the United States department of labor to the fullest extent consistent with the provisions of this chapter. . .” When implementing section 2102, the operating instructions direct states to first consult section 2102 of the CARES Act and then the operating instructions. When both are silent, states should refer to section 625 of title 20, Code of Federal Regulations. When consulting the regulations, the term “COVID-19 public health emergency” is to be substituted for the term “major disaster” and the term “pandemic is to be substituted for the term “disaster.”

For the period of July 12, 2020 until February 27, 2021: The administrative law judge has reviewed the facts and applicable laws carefully, and although the administrative law judge is very sympathetic to claimant's situation, she does not meet the definition of an unemployed worker who is entitled to PUA benefits under the law, as outlined above. Claimant was unemployed from July until December due to her own personal illness, recovery from birth, not and not having family support or childcare. Claimant began employment in December 2020. Claimant's unemployment during this period was not caused by COVID-19, although it may be the result of a longer chain of events precipitated or exacerbated by COVID-19. The request for Pandemic Unemployment Assistance is denied.

Effective February 28, 2021 through April 4, 2021: Claimant's unemployment was directly caused by COVID-19 as her child exhibited symptoms of COVID-19, and had to be taken to the emergency room. Claimant was unable to work while she cared for him, and then was directed by a medical professional to self-quarantine herself. Claimant does meet the eligibility requirements for PUA benefits for the period of February 28, 2021 until April 5, 2021, when she returns to work. Claimant is eligible pursuant to sections (bb), (cc), and (ff) above. PUA benefits are allowed for this period, so long as claimant meets all other requirements.

DECISION:

The Iowa Workforce Development decision dated January 15, 2021 that determined claimant was not eligible for federal Pandemic Unemployment Assistance (PUA) is modified in favor of claimant/appellant. The claimant's request for PUA benefits is denied July 12, 2020 through February 27, 2021. The claimant's request for PUA benefits is granted for the period of February 28, 2021 through April 4, 2021, provided she is otherwise eligible.



Jennifer L. Beckman
Administrative Law Judge
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Iowa Workforce Development
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Des Moines, Iowa 50319-0209
Fax 515-478-3528

April 07, 2021
Decision Dated and Mailed

jlb/ol

NOTE TO CLAIMANT:

You may find information about food, housing, and other resources at <https://covidrecoveryiowa.org/> or at <https://dhs.iowa.gov/node/3250>

Iowa Finance Authority also has additional resources at <https://www.iowafinance.com/about/covid-19-ifa-recovery-assistance/>