

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**AMANDA KLUENDER**  
Claimant

**APPEAL 20A-DUA-00005-S1-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 06/14/20**  
**Claimant: Appellant (1)**

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

**STATEMENT OF THE CASE:**

On July 1, 2020, Amanda Kluender (claimant/appellant) filed a timely appeal from the Iowa Workforce Development decision dated July 9, 2020, reference 02, 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 27, 2020. The claimant participated personally. The administrative law judge took official notice of the administrative file.

**ISSUE:**

The issue is whether the claimant is eligible 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 for unemployment insurance benefits on June 14, 2020. She filed the application for PUA on June 17, 2020. The last day claimant has continued to work as a self-employed daycare provider. She generally cared for five children in her in-home daycare. When Covid-19 started in March 2020, four children stopped attending daycare but the parents continued to pay her. In May 2020, the parents of the four children said the children would not be returning to her daycare. The claimant continued to care for one child.

The claimant filed ten weekly claims for benefits between June 14, 2020, and August 22, 2020. Each week she reported she was able and available for work while she was self-employed. Telework was not available as an in-home daycare provider. 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:**

The claimant is not 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

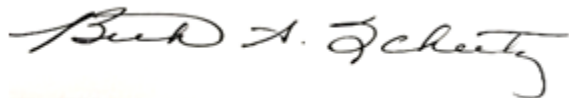
(ii) an individual who is receiving paid sick leave or other paid leave benefits, regardless of whether the individual meets a qualification described in items (aa) through (kk) of subparagraph (A)(i)(I).

To qualify for PUA benefits as a self-employed individual, the claimant must prove that she was 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 and is unable or unavailable to work because of COVID-19.

Specifically, the claimant was unable or unavailable to work because she is still working as a self-employed individual. The claimant's census is low but she is and has always been self-employed. Under state law, the claimant is not able and available for work because she is spending her time and effort on her self-employment. She is not seeking other work. Pandemic Unemployment Assistance is denied.

**DECISION:**

The Iowa Workforce Development decision dated July 9, 2020, reference 02, that determined claimant was not eligible for Pandemic Unemployment Assistance (PUA) is affirmed.



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

August 28, 2020  
Decision Dated and Mailed

bas/mh