

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

DENA M SEARLES
Claimant

APPEAL 21A-DUA-01823-AR-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 03/29/20
Claimant: Appellant (1)

PL 116-136, Sec. 2012 – Federal Pandemic Unemployment Assistance
20 C.F.R. § 625 – Disaster Unemployment Assistance

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the Iowa Workforce Development decision dated August 24, 2021, that determined claimant was not eligible for federal Pandemic Unemployment Assistance (PUA) benefits. A telephone hearing was held on November 2, 2021. The claimant was properly notified of the hearing and participated personally.

ISSUE:

Is the claimant eligible for PUA benefits?

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 due to the COVID-19 pandemic. At that time, the place where claimant had only recently begun working, Ames Community Preschool, shut down pursuant to the Governor's disaster proclamation. Claimant applied for and began receiving regular unemployment insurance benefits, but was later determined to be ineligible for those benefits. The effective date of claimant's claim for benefits was March 29, 2020. Claimant filed for benefits each week through the week of August 9, 2020, after which time claimant became reemployed and ceased filing. After her administrative appeals regarding regular unemployment benefits exhausted, claimant submitted an application for PUA benefits on August 2, 2021.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant is not eligible to receive PUA benefits.

On March 27, 2020 the Coronavirus Aid, Relief, and Economic Security (CARES) Act of 2020 was signed into law and included the Relief for Workers Affected by Coronavirus Act set out in Title II, Subtitle A. Section 2102 of the CARES Act created a new temporary federal program

entitled Pandemic Unemployment Assistance (PUA) that, in general, provided up to 39 weeks of unemployment benefits and provided funding to states for the administration of the program.

The Continued Assistance to Unemployed Workers Act of 2020 extended the length of the PUA program from 39 weeks to 50 weeks, subject to limitations on the dates in which the additional 11 weeks could be added. On March 11, 2021, the American Rescue Plan Act (ARPA) was enacted and extended the PUA programs to weeks of unemployment ending on or before September 6, 2021. On May 11, 2021, State of Iowa Governor Reynolds announced that Iowa will end its participation in federal pandemic-related unemployment benefit programs effective June 12, 2021. The last payable week for PUA in Iowa was the week-ending June 12, 2021.

The CARES Act was specifically designed to mitigate the economic effects and consequences of the COVID-19 public health emergency including providing temporary benefits for individuals who were not eligible for regular State funded unemployment insurance benefits. The provisions of the CARES Act operate in tandem with the eligibility requirements of the Federal-State Unemployment Insurance program.

If a State agreed to administer the program, that State was tasked with the responsibility to ensure program integrity. These functions included conducting audits, investigation, and other oversight activities to ensure adherence to existing unemployment insurance laws and policies, as well as ensure proper adherence to the CARES Act requirements.

In order to be a covered individual who was eligible for PUA benefits, that individual could not be eligible for regular unemployment insurance benefits, or extended benefits under State or Federal law, or Pandemic Emergency Unemployment Compensation (PEUC) under the CARES Act. Covered individuals could include those who are self-employed, gig workers, those seeking part-time employment, and individuals lacking sufficient work history.

In order to be a covered individual who was eligible for PUA benefits, that individual could not have the ability to telework with pay or receive paid sick leave or other paid leave benefits that exceeded their weekly-benefit amount, plus \$15.00. Lastly, in order to be a covered individual who was eligible for PUA benefits, that individual must establish that they were otherwise able to work and available for work within the meaning of applicable State law, except that they were unemployed, partially unemployed, or unable or unavailable to work due to one of the COVID-19 related reasons identified in Section 2102(a)(3)(A)(ii)(I) of the CARES Act.

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—

(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 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.”

The administrative law judge is sympathetic to the claimant’s situation. The claimant had notice she was not eligible for regular unemployment insurance benefits prior to the date on which Iowa ended its participation in federal benefit programs. Claimant did not establish a claim for PUA benefits until August 2, 2021. On May 11, 2021, State of Iowa Governor Reynolds announced that Iowa will end its participation in federal pandemic-related unemployment benefit programs effective June 12, 2021. Because claimant applied for PUA benefits after Iowa ended its affiliation with the program, the administrative law judge has no ability to evaluate eligibility for benefits in this case. Therefore, the claimant’s request for PUA benefits is denied.

DECISION:

The Iowa Workforce Development decision dated August 24, 2021, that determined claimant was not eligible for federal Pandemic Unemployment Assistance (PUA) is affirmed. The claimant's request for PUA benefits is denied.



Alexis D. Rowe
Administrative Law Judge

November 30, 2021

Decision Dated and Mailed

ar/abd

NOTE TO CLAIMANT: This decision determines you are not eligible for PUA benefits. If you disagree with this decision you may file an appeal to the Employment Appeal Board by following the instructions on the first page of this decision.

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/>