

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

TERESA CHRISTENSEN
Claimant

APPEAL 21A-DUA-00388-JC-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 03/29/20
Claimant: Appellant (2)

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

STATEMENT OF THE CASE:

On December 23, 2020, the claimant filed a timely appeal from the Iowa Workforce Development decision dated December 14, 2020 that determined claimant was not eligible for federal Pandemic Unemployment Assistance (PUA) benefits.

Claimant waived proper notice and a telephone hearing was held on February 12, 2021. The claimant participated personally. The administrative law judge took official notice of the administrative records. Claimant Exhibit A was admitted.

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: In March 2020, the United States declared a public health emergency based on the COVID-19 pandemic.

Claimant filed a claim for state unemployment insurance benefits with an effective date of March 29, 2020. Claimant was most recently employed as a cashier/clerk at Express Lane. 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 29, 2020 due to underlying health conditions and has still not been released to return to work by her doctor. (Exhibit A). Claimant is not able to telework and is not on paid leave. Claimant's illness is the only factor keeping her from working at this time. Claimant was disqualified from regular state unemployment insurance benefits. See Appeals 20A-UI-12380-JC-T and 20A-UI-12381-JC-T.

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.

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) extended PUA benefits for weeks of unemployment through March 14, 2021, with a phase out period through April 10, 2021.

The issue to be determined here is whether claimant is a “covered individual” within the meaning of applicable law.

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.

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 is high risk if exposed to the COVID-19 virus and has yet to be released to return to work by her doctor. 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 in See Appeals 20A-UI-12380-JC-T and 20A-UI-12381-JC-T. As such, claimant has met the PUA eligibility requirements and is eligible under subsection (ff) above.

DECISION:

The Iowa Workforce Development decision dated December 14, 2020 that determined claimant was not eligible for federal Pandemic Unemployment Assistance (PUA) is reversed. Claimant is eligible for PUA benefits under subsection (ff) effective March 29, 2020, provided she meets all other requirements.

Jennifer L. Beckman

Jennifer L. Beckman
Administrative Law Judge
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February 24, 2021
Decision Dated and Mailed

jlb/scn

NOTE TO CLAIMANT: You may find additional information about food, housing, and other resources by dialing 211 or at <https://dhs.iowa.gov/node/3250>