

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**RYAN J DOYLE**  
Claimant

**APPEAL 20A-DUA-00535-AD-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE DEVELOPMENT  
DEPARTMENT**

**OC: 08/30/20**  
**Claimant: Appellant (2)**

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

**STATEMENT OF THE CASE:**

On September 26, 2020, Ryan Doyle (claimant/appellant) filed a timely appeal from the Iowa Workforce Development decision dated September 17, 2020 that determined claimant was not eligible for federal Pandemic Unemployment Assistance (PUA).

A telephone hearing was held on November 16, 2020. The parties were properly notified of the hearing. The claimant participated personally.

Several of the proposed exhibits submitted by claimant were difficult to read. The administrative law judge left the record open until the end of the day on November 18, 2020 to allow claimant to resubmit those documents. Claimant did submit additional documents within that timeframe. Claimant's Exhibits 1-7 were admitted. Official notice was taken of the administrative record.

**ISSUE:**

- I. 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:

Claimant works as an independent contractor for the state's Child Care Assistance Program. Claimant had to shutdown his childcare program from April 3 to April 20, 2020 due to the pandemic. Claimant has since had fewer children enrolled in his program due to the pandemic. The number of children he watches has decreased from five to three. Furthermore, one the families for which he provides care has had her hours reduced at her job due to the pandemic, which in turn has meant claimant is providing fewer hours of childcare for her children.

Claimant is also self-employed as a contractor. Claimant has had several projects fall through or be delayed due to the pandemic.

Claimant is not otherwise eligible for benefits.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons set forth below, the Iowa Workforce Development decision dated September 17, 2020 that determined claimant was not eligible for federal Pandemic Unemployment Assistance (PUA) is REVERSED. Claimant is eligible for PUA from the benefit week ending April 4, 2020.

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)(l).

The U.S. Department of Labor has provided guidance on PUA eligibility to state workforce agencies. In Unemployment Insurance Program Letter No. 16-20, Change 2, the following guidance was issued:

b. Clarification on item (kk) of acceptable COVID-19 related reasons. Section 2102(a)(3)(A)(ii)(l)(kk) of the CARES Act provides for the Secretary of Labor to establish any additional criteria under which an individual may self-certify eligibility for PUA benefits. Section C.1.k. of Attachment I to UIPL No. 16-20 provides for coverage of an independent contractor whose ability to continue performing his or her customary work activities is severely limited because of the COVID-19 public health emergency. The example provided includes a driver of a ride sharing service who has been forced to suspend operations because of COVID-19. Question 42 of Attachment I to UIPL No. 16-20, Change 1, explains that an independent contractor who experiences a "significant diminution of work as a result of COVID-19" may be eligible for PUA.

With these examples in UIPL Nos. 16-20 and 16-20, Change 1, the Secretary provides coverage under item (kk) to those self-employed individuals who experienced a significant diminution of services because of the COVID-19 public health emergency, even absent a suspension of services.

The administrative law judge finds claimant is an independent contractor who has experienced a significant diminution of work due to COVID-19. Specifically, claimant had to shutdown his childcare program from April 3 to April 20, 2020 due to the pandemic and has since had fewer children enrolled in his program due to the pandemic. Claimant has also had several projects fall through or be delayed due to the pandemic. Claimant is not otherwise eligible for benefits.

**DECISION:**

The Iowa Workforce Development decision dated September 17, 2020 that determined claimant was not eligible for federal Pandemic Unemployment Assistance (PUA) is REVERSED. Claimant is eligible for PUA from the benefit week ending April 4, 2020.



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Andrew B. Duffelmeyer  
Administrative Law Judge  
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November 24, 2020  
Decision Dated and Mailed

abd/scn