

**BEFORE THE  
EMPLOYMENT APPEAL BOARD  
Lucas State Office Building  
Fourth floor  
Des Moines, Iowa 50319**

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<b>BRENDAN J SCROGGIN</b>	:	
	:	<b>HEARING NUMBER: 20B-UI-11424</b>
Claimant	:	
	:	
and	:	<b>EMPLOYMENT APPEAL BOARD</b>
	:	<b>DECISION</b>
<b>COUNTRY LANDSCAPES INC</b>	:	
	:	
Employer	:	

**NOTICE**

**THIS DECISION BECOMES FINAL** unless (1) a **request for a REHEARING** is filed with the Employment Appeal Board within **20 days** of the date of the Board's decision or, (2) a **PETITION TO DISTRICT COURT IS FILED WITHIN 30 days** of the date of the Board's decision.

A **REHEARING REQUEST** shall state the specific grounds and relief sought. If the rehearing request is denied, a petition may be filed in **DISTRICT COURT** within **30 days** of the date of the denial.

**SECTION:** 96.5-1, 96.5-2-A

**DECISION**

**UNEMPLOYMENT BENEFITS ARE ALLOWED IF OTHERWISE ELIGIBLE**

The Employer appealed this case to the Employment Appeal Board. The members of the Employment Appeal Board reviewed the entire record. The Appeal Board finds the administrative law judge's decision is correct. The administrative law judge's Findings of Fact and Reasoning and Conclusions of Law are adopted by the Board as its own. The administrative law judge's decision is **AFFIRMED**.

In addition, the Board would note this is not a temporary unemployment situation. As such, the Claimant is expected to be able and available for work pursuant to Iowa Code section 96.4(3). In order to determine whether the Claimant is able and available for work, we shall **REMAND** this matter to the Iowa Workforce Development, Benefits Bureau, to determine that issue.

We would also point out to the Claimant that should he be denied benefits under state unemployment law on that basis, **this does not bar him from receipt of certain special pandemic related benefits**. In fact, being ineligible from state unemployment benefits is a prerequisite to some of these benefits. Of particular interest to the Claimant is Pandemic Unemployment Assistance. That law provides benefits to persons who are unavailable for work due to certain pandemic related reasons may be able to collect PUA during any week this situation persists, going back to February 8, 2020 (for a maximum of 39 weeks). The federal Department of Labor has instructed that **eligible persons would include:**

An individual whose immune system is compromised by virtue of a serious health condition and is therefore advised by a health care provider to self-quarantine in order to avoid the greater-than-average health risks that the individual might face if he or she were to become infected by the coronavirus.

UIPL 16-20, Attachment 1, p. I-5

([https://wdr.doleta.gov/directives/attach/UIPL/UIPL\\_16-20\\_Attachment\\_1.pdf](https://wdr.doleta.gov/directives/attach/UIPL/UIPL_16-20_Attachment_1.pdf)).

It is further our understanding that federal law requires all PUA claims to be backdated to as early as February 8, depending on when the applicant's self-quarantine began. Here, of course, the Claimant was at work as late as February 20. The upshot is that if she can make the necessary PUA showing of a need for self-quarantine she may very well be eligible for PUA for any week such a quarantine was or is in place, and so she is well-advised to pursue this avenue of federal benefits through Iowa Workforce. **Our ruling today is no bar to PUA.** Should the Claimant wish to apply for PUA, and the information on how to do so is found at:

<https://www.iowaworkforcedevelopment.gov/pua-information>

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Ashley R. Koopmans

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James M. Strohman

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Myron R. Linn

AMG/fnv