

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

KRISTIN N SCHROEDER
Claimant

APPEAL 20R-DUA-00892-AW-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 04/05/20
Claimant: Appellant (4)**

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

STATEMENT OF THE CASE:

Claimant filed an appeal from the Iowa Workforce Development decision dated August 20, 2020 that determined claimant was not eligible for Pandemic Unemployment Assistance (PUA) benefits. A hearing was scheduled for October 8, 2020. No hearing was held because appellant failed to respond to the hearing notice and provide a telephone number at which appellant could be reached for the scheduled hearing. On October 12, 2020, a default decision was issued dismissing the appeal.

On October 23, 2020, claimant appealed to the Employment Appeal Board (EAB). On November 4, 2020, the EAB remanded this matter to the Appeals Bureau for a hearing on the merits. Claimant was properly notified of the hearing. A telephone hearing was held on December 16, 2020, at 8:00 a.m. Claimant participated in the hearing. Claimant's Exhibit A was admitted. Official notice was taken of the administrative record.

ISSUE:

Whether claimant is eligible for Pandemic Unemployment Assistance.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Between March 2020 and October 2020, claimant was providing care for a 12-year old foster child. Claimant required childcare in order to attend work. In March 2020, the child's school closed due to Covid-19. The school remained closed for the 2019/2020 school year. Claimant could not find alternate childcare. The child's physician also advised claimant to quarantine due to the child's underlying medical condition. The child's school reopened in August 2020; the child returned to school wearing personal protective equipment.

Claimant filed a claim for regular unemployment insurance benefits with an effective date of April 5, 2020. Claimant is not eligible for regular unemployment insurance benefits.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes:

The Coronavirus Aid, Relief, and Economic Security (CARES) 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 issue to be determined here is whether claimant is a “covered individual” who is eligible to receive benefits 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).

In this case, claimant was the primary caretaker of a child who was unable to attend school because it was closed due to Covid-19. Claimant requires childcare in order to attend work. Claimant was unable to secure alternate childcare. The child returned to school for the 2020/2021 school year in August 2020. Claimant was advised by a health care provider to quarantine due to Covid-19 and the child's underlying health issues. Claimant meets the eligibility requirements outlined in subparagraphs (dd) and (ff) herein and, thus, qualifies for PUA benefits from April 5, 2020 until August 1, 2020.

DECISION:

The Iowa Workforce Development decision dated August 20, 2020 that determined claimant was not eligible for Pandemic Unemployment Assistance (PUA) benefits is modified. Claimant is eligible for PUA from April 5, 2020 until August 1, 2020 pursuant to subparagraphs (dd) and (ff) outlined above.



Adrienne C. Williamson
Administrative Law Judge
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December 29, 2020
Decision Dated and Mailed

acw/scn