

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**ROBERTA R CARPENTER**  
Claimant

**APPEAL 20A-DUA-00694-AW-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 03/15/20  
Claimant: Appellant (4)**

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

**STATEMENT OF THE CASE:**

Claimant filed an appeal from the Iowa Workforce Development decision dated October 8, 2020 that determined claimant was not eligible for Pandemic Unemployment Assistance (PUA) benefits. Claimant waived 10 days' notice of the hearing. A telephone hearing was held on November 20, 2020, at 2:00 p.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: Claimant began her employment as a full-time Housekeeper with Wild Rose Casino on February 2, 2020. Claimant last performed work for the casino on March 12, 2020. The casino closed due to Covid-19 on March 13, 2020. On June 3, 2020, employer notified claimant that her employment would be terminated effective June 25, 2020 due to downsizing as a result of the economic impact of Covid-19.

The administrative record reflects that claimant filed an initial claim for unemployment insurance (UI) benefits effective March 15, 2020. Claimant received UI benefits and Pandemic Emergency Unemployment Compensation (PEUC). Claimant exhausted UI on June 6, 2020 and PEUC on September 12, 2020.

Claimant has not had any symptoms of Covid-19. No one in claimant's household has contracted Covid-19. Claimant has not been advised by a healthcare provider to quarantine due to Covid-19. Claimant does not require childcare in order to go to work.

**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).

To be eligible for PUA, a claimant must not be entitled to UI or PEUC. Because claimant was entitled to and received UI and PEUC from March 15, 2020 until September 12, 2020, she is not eligible for PUA during that period of time.

As of June 25, 2020, claimant no longer had a job, because employer terminated her employment as a direct result of Covid-19, which satisfies the requirements of subparagraph (gg) above.

Therefore, claimant is eligible for PUA benefits effective September 13, 2020.

**DECISION:**

The Iowa Workforce Development decision dated October 8, 2020 that determined claimant was not eligible for Pandemic Unemployment Assistance (PUA) benefits is modified in favor of appellant. Claimant meets the requirements of subparagraph (gg) and, thus, is eligible for PUA benefits effective September 13, 2020.



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Adrienne C. Williamson  
Administrative Law Judge  
Unemployment Insurance Appeals Bureau  
Iowa Workforce Development  
1000 East Grand Avenue  
Des Moines, Iowa 50319-0209  
Fax (515)478-3528

December 7, 2020  
Decision Dated and Mailed

acw/mh