

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**VIVIEN KARBBAR**  
Claimant

**APPEAL 21A-DUA-01375-SN-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 11/08/20  
Claimant: Appellant (2)**

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PL 116-136, Sec. 2102 – Federal Pandemic Unemployment Assistance

**STATEMENT OF THE CASE:**

On March 29, 2021, the claimant appealed the assessment for Pandemic Unemployment Assistance (PUA) decision dated March 23, 2021 that denied benefits. A hearing was scheduled for June 9, 2021 at 2:00 p.m. The administrative law judge took official notice of the administrative records. No exhibits were received for this hearing.

**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:

The claimant filed the application for PUA on March 23, 2021. On the claimant's application for PUA she provided information about herself. The claimant wrote the reason for being unemployed, "A child or other person in my household for whom I am the primary caregiver is unable to attend school or another facility that is closed as a direct result of the Covid19 public health emergency and such school or facility care is required for me to work." The claimant explained that she had to quit her former position due to her grandmother's cancer diagnosis.

The claimant started working as a full-time administrative assistant for WesleyLife Nursing Home on June 25, 2015.

In 2020, the claimant's three children were seven, eleven and fifteen years old. The claimant's children attend classes at various schools in the Waukee School District. Waukee School District closed in March 2020 in response to Governor Kim Reynolds' proclamation. At the start of the Covid19 pandemic, the claimant relied on her father to watch her children, while she spent time with coworkers in a hotel to perform her work.

In September 2020, Waukee School District reopened and gave parents the option to have their children online or attend in person. The claimant opted to have her children attend in person classes. In late-September 2020 or early October 2020, Waukee School District stated all children would have to attend class 100% online.

On October 30, 2020, the claimant voluntarily resigned from her position at WeslyLife because her father could no longer provide childcare for her. The claimant was required to stay home to set up her seven year old on a computer to attend online. The claimant's older children did not require this level of supervision, but could not provide the requisite supervision to her seven year old. During the hearing, the claimant clarified that while she stated in her resignation letter that she was planning on visiting her ailing grandmother in Liberia, she could not afford to do so.

In January 2021, Waukee School District reopened to provide 100% in person attendance to the claimant's children until the end of the school year. However, at that point, the claimant had only resigned from employment.

The following section outlines the claimant's receipt of regular unemployment, Pandemic Emergency Unemployment Compensation and extended benefits:

The claimant filed a claim for benefits effective November 8, 2020. The claimant filed weekly claims for the weeks ending November 14, 2020 through April 3, 2021. The claimant was disqualified from receiving these benefits by the representative's decision January 14, 2021, reference 01, which found her separation from employment was disqualifying.

#### **REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the claimant is eligible for 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.

That period was subsequently extended through the week ending March 13, 2021 and, in some cases, through the week ending April 10, 2021. See Consolidated Appropriations Act of 2021. On March 11, 2021, the President signed into law another extension for PUA benefits until September 4, 2021. The issue to be determined here is whether claimant is a "covered individual" within the meaning of applicable law.

The issue to be determined here is whether claimant is a "covered individual" within the meaning of applicable law. Section 2102(a)(3) defines individuals who are eligible for PUA benefits.

(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

(l) 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)(I).

As stated above, the claimant must show he is a “covered individual” within the meaning of applicable law.

The first threshold the claimant needs to clear is to show she satisfies Section 2102(a)(3)(i) by showing she is ineligible for regular unemployment, extended benefits and PEUC benefits. The claimant was disqualified from receiving these benefits by the representative’s decision January 14, 2021, reference 01, which found her separation from employment was disqualifying. The claimant can fulfill this element.

The claimant did not file her claim until March 23, 2021. The claimant filed her claim after December 27, 2020. She can only backdate her claim to December 6, 2020. See Department of Labor, Unemployment Insurance Program Letter, No. 16-20 Change 4, (January 8, 2021) at pg. 18. As a result, the claimant cannot receive PUA benefits for weeks prior to that date.

The second threshold the claimant needs to clear is to show she is totally, temporarily or partially unemployed due to one of the reasons listed in Section 2102(a)(3)(A)(i)(ii)(I)(aa)-(II). The claimant states she can self-certify under Section 2102(a)(3)(A)(i)(ii)(I)(dd). The administrative law judge agrees. The claimant is a primary caretaker for her three children and was required to stay home to supervise the youngest child’s attendance. Benefits are granted effective December 6, 2020.

**DECISION:**

The assessment for PUA benefits decision dated March 23, 2021 that determined claimant was ineligible for federal PUA is reversed. PUA benefits are granted effective December 6, 2020.



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Sean M. Nelson  
Administrative Law Judge  
Unemployment Insurance Appeals Bureau  
1000 East Grand Avenue  
Des Moines, Iowa 50319-0209  
Fax (515) 725-9067

June 30, 2021  
Decision Dated and Mailed

smn/ol