

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

WESLEY LEWIS
Claimant

APPEAL 21A-DUA-00003-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

**OC: 3/29/20
Claimant: Appellant (1)**

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

STATEMENT OF THE CASE:

On November 16, 2020, (claimant/appellant) filed a timely appeal from the Iowa Workforce Development decision dated November 10, 2020 that determined claimant was not eligible for federal Pandemic Unemployment Assistance (PUA). The reason for the denial was that claimant last performed work outside of Iowa.

A telephone hearing was held on January 30, 2021. The parties were properly notified of the hearing. The claimant participated personally.

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 has been working the last few weeks at Firebird in Omaha, NE. The last day claimant prior to Firebird was March 2020. Claimant was employed at that time as a Hilton Garden. This job was in Nebraska. Claimant has not performed work since in any state other than Nebraska. The administrative record shows claimant most recently had wages reported for the last quarter of 2020 in Nebraska.

REASONING AND CONCLUSIONS OF LAW:

For the reasons set forth below, the Iowa Workforce Development decision, dated November 10, 2020 that determined claimant was not eligible for federal Pandemic Unemployment Assistance (PUA) is AFFIRMED.

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 section provides in part:

(h) RELATIONSHIP BETWEEN PANDEMIC UNEMPLOYMENT ASSISTANCE AND DISASTER UNEMPLOYMENT ASSISTANCE.—Except as otherwise provided in this section or to the extent there is a conflict between this section and section 625 of title 20, Code of Federal Regulations, such section 625 shall apply to this section as if— (1) the term “COVID-19 public health emergency” were substituted for the term “major disaster” each place it appears in such section 625; and (2) the term “pandemic” were substituted for the term “disaster” each place it appears in such section 625.

20 CFR 625.12(a) provides:

(a) Applicable State. The applicable State for an individual shall be that State in which the individual's unemployment is the result of a major disaster.

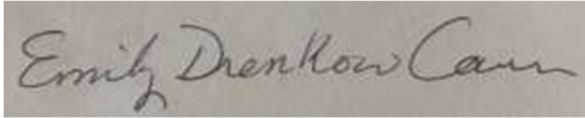
20 CFR 265.8(a) provides:

(a) Initial application. An initial application for DUA shall be filed by an individual with the State agency of the applicable State within 30 days after the announcement date of the major disaster as the result of which the individual became unemployed, and on a form prescribed by the Secretary which shall be furnished to the individual by the State agency. An initial application filed later than 30 days after the announcement date of the major disaster shall be accepted as timely by the State agency if the applicant had good cause for the late filing, but in no event shall an initial application be accepted by the State agency if it is filed after the expiration of the Disaster Assistance Period. If the 30th day falls on a Saturday, Sunday, or a legal holiday in the major disaster area, the 30-day time limit shall be extended to the next business day.

The applicable state for claimant is Nebraska, as that was the state in which claimant alleges his unemployment resulted from the pandemic. Claimant must file his application for PUA in that state.

DECISION:

The Iowa Workforce Development decision dated November 10, 2020 that determined claimant was not eligible for federal Pandemic Unemployment Assistance (PUA) is AFFIRMED. Claimant must file his application for PUA in Nebraska.

A rectangular box containing a handwritten signature in cursive script that reads "Emily Drenkow Carr".

Emily Drenkow Carr
Administrative Law Judge
Unemployment Insurance Appeals Bureau
1000 East Grand Avenue
Des Moines, Iowa 50319-0209
Fax (515) 725-9067

February 16, 2021
Decision Dated and Mailed

ed/kmj