

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

BRADLEY FINN
Claimant

APPEAL 20A-DUA-01025-SN-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 03/08/20
Claimant: Appellant (1)

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

STATEMENT OF THE CASE:

On November 23, 2020, the claimant filed a timely appeal from the assessment of PUA benefits dated November 16, 2020 that determined claimant was not eligible for federal Pandemic Unemployment Assistance (PUA) benefits. A telephone hearing was held on January 09, 2021. Claimant was properly notified of the hearing. The claimant participated personally. Exhibit A was admitted into the record. The administrative law judge took official notice of the administrative records.

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, Bradley Finn, works for Venuworks LLC, the employer, as a union stage hand. Venuworks LLC operates a 9000 seat arena building in Cedar Rapids. Prior to the Covid19 pandemic, the claimant worked ten to thirty hours a week depending on the event.

The claimant in this case filed his PUA claim on March 8, 2020. Coinciding with his original claim of benefits, the employer stopped scheduling events due to maximum capacity restrictions and other measures designed to prevent the spread of Covid19. The administrative records show the claimant filed a claim for state unemployment insurance benefits on March 8, 2020.

The administrative records further show the claimant was unemployed from the week ending March 14, 2020 to the week ending June 27, 2020. The claimant received unemployment benefits for this entire period of unemployment.

The claimant received work from the employer the week ending July 4, 2020. The administrative record shows the claimant received \$94 from the employer for the week ending July 4, 2020. He received regular unemployment benefits for this week.

The employer did not assign the claimant hours from July 11, 2020 to September 12, 2020. The claimant started receiving Pandemic Emergency Unemployment Compensation (PEUC) on July 19, 2020.

The claimant received \$70.00 from the employer for work for the week ending September 19, 2020. The claimant received PEUC benefits for this week.

The claimant received \$368.00 from the employer for work for the week ending September 26, 2020. The claimant received PEUC benefits for this week.

The claimant received \$140.00 from the employer for work for the week ending October 3, 2020. The claimant received PEUC benefits for this week.

The claimant did not work for the employer for the weeks ending October 10, 2020 and October 17, 2020. The claimant received PEUC benefits for these weeks.

The claimant received \$140.00 from the employer for work for the week ending October 24, 2020. The claimant received PEUC benefits for this week.

The claimant received \$80.00 in earnings for the week ending October 31, 2020. The claimant exhausted his Pandemic Emergency Unemployment compensation benefits for this week this week.

The claimant worked for the employer at the Iowa high school women's volleyball tournament in the first week of November 2020. The employer continued to have events until at least November 15, 2020.

REASONING AND CONCLUSIONS OF LAW:

For the reasons set forth below, the administrative law judge finds that claimant is not 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.

The issue to be determined here is whether claimant is a "covered individual" within the meaning of applicable law.

Section 2102(3)(A)(i)(ii) 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—

(I) 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

(II) 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 (I); and

(B) does not include—

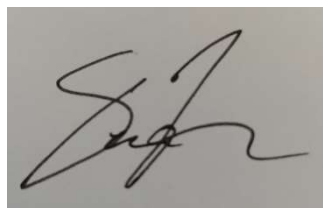
- (i) an individual who has the ability to telework with pay; or
- (ii) an individual who is receiving paid sick leave or other paid leave benefits, regardless of whether the individual meets a qualification described in items (aa) through (kk) of subparagraph (A)(i)(I).

The claimant exhausted his PEUC compensation on October 31, 2020. On that date, the claimant exhausted all other state and federal unemployment benefits and satisfied the first element of PUA. He is ineligible for PUA for the weeks in which he received these benefits.

In his appeal letter, the claimant said his place of employment had closed as a direct result of Covid19 pandemic in order to fall under Section 2102(3)(A)(i)(ii)(jj). On the appeal, the claimant alternatively stated he was not able to commence employment due to Covid19 to fall under satisfied Section 2102(3)(A)(i)(ii)(gg) but this is just a restatement of the previous premise. The employer may have initially closed as a direct result of Covid19 in response to Governor Kim Reynold's proclamation in March 2020. However, as the claimant testified the employer's area has been scheduling events such as the Iowa women's high school tournament in early November 2020. To the extent the employer is not scheduling work after November 2020, it is a response to the greater economic impact and not directly caused by Covid19 to be eligible under PUA.

DECISION:

The assessment of PUA benefits dated November 16, 2020, that determined claimant was not eligible for federal PUA is affirmed.



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

February 10, 2021
Decision Dated and Mailed

smn/kmj