

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

REID R CHAPLIN
Claimant

APPEAL 21A-DUA-00697-CL-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 04/19/20
Claimant: Appellant (2)

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

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the Iowa Workforce Development decision dated January 22, 2021, that determined claimant was not eligible for federal Pandemic Unemployment Assistance (PUA) benefits. A telephone hearing was held on March 29, 2021. The claimant was properly notified of the hearing and participated personally.

ISSUE:

Is the claimant eligible for PUA benefits?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was last employed at Chaplin's, Inc. Claimant worked as a part-time kitchen manager.

In March 2020, the United States declared a public health emergency due to the COVID 19 pandemic.

Claimant's last day of work was on March 17, 2020, when Iowa Governor Kim Reynolds issued a proclamation suspending in-person dining. Employer reopened after the shutdown, but did not recall claimant because it did not have enough business to recall the majority of its staff. Claimant normally works at another restaurant located at the Iowa Great Lakes during the summer, but that business also did not need claimant during summer 2020 due to decreased business as a result of the pandemic.

Claimant expects to return to work this spring.

On March 18, 2021, Iowa Workforce Development issued a reference 01 unemployment insurance decision denying benefits effective August 26, 2019, based on a separation from employment with Ventures/Arrowhead Resort. Claimant has not requalified for regular unemployment insurance benefits since that separation from employment.

REASONING AND CONCLUSIONS OF LAW:

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.

On December 27, 2020, President Trump signed the “Continued Assistance for Unemployed Workers Act of 2020,” which provides for an extension of the CARES Act unemployment provisions from December 31, 2020 until March 14, 2020.

The issue to be determined here is whether claimant is a “covered individual” who is eligible to receive PUA 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—

(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

(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 is unemployed due to a temporary layoff caused by a lack of business due to the COVID 19 pandemic. Recent guidance issued by the Department of Labor in Unemployment Insurance Program Letter, 16-20, Change 5 clarifies that individuals who are temporarily or totally laid off due to the pandemic are eligible for PUA benefits under subsection (jj). That is the case for claimant. So, claimant is eligible for PUA benefits effective April 19, 2020.

DECISION:

The Iowa Workforce Development decision dated January 22, 2021, that determined claimant was not eligible for federal Pandemic Unemployment Assistance (PUA) benefits is reversed. PUA benefits are allowed effective the date of the claim on April 19, 2020.



Christine A. Louis
Administrative Law Judge
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March 31, 2021
Decision Dated and Mailed

cal/ol