

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**PAIGE M BAXTER**  
Claimant

**APPEAL 20A-DUA-00137-AW-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 12/01/19  
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 July 30, 2020 that determined claimant was not eligible for Pandemic Unemployment Assistance (PUA) benefits. Claimant was properly notified of the hearing. A telephone hearing was held on September 17, 2020, at 3:00 p.m. Claimant participated in the hearing. The hearing record was reopened on September 25, 2020 for additional testimony from claimant. No exhibits were 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 filed an initial claim for benefits effective December 1, 2019. Claimant's separation from her last employer, Nordstrom, was disqualifying; therefore, claimant is not eligible for regular unemployment insurance benefits. Claimant applied for Pandemic Unemployment Assistance (PUA).

Claimant has four children ages 7, 9, 14 and 15. Claimant requires childcare in order to work. The children's schools closed on March 14, 2020 due to Covid-19 and remained closed for the duration of the 2019/2020 school year, which was scheduled to end on June 3, 2020. While the schools were closed, claimant had to provide care for her children. Claimant did not make childcare arrangements for the children's summer break from school because she was unemployed.

The children returned to school on August 23, 2020 for the 2020/2021 school year. One of claimant's children began showing symptoms of Covid-19 on September 10, 2020. The child's school would not allow him to attend school from September 10, 2020 through September 24, 2020. Claimant was required to provide childcare for her child during that time. Another of claimant's children began showing symptoms of Covid-19 on September 21, 2020. The child must remain out of school until released by a physician to return to school. Claimant is required

to provide childcare for the child during this time. Neither claimant nor her children has tested positive for Covid-19.

**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—

(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's children's schools were closed from March 14, 2020 until June 3, 2020 due to Covid-19. Claimant requires childcare in order to work. Claimant meets the requirements of subparagraph (dd) above for the period between March 14, 2020 and June 3, 2020; claimant is eligible for PUA for that period of time.

The children's school or other caregiving facility was not closed during the summer break, because there was no child care arranged for the children. While two of the children were unable to attend school due to Covid-19 symptoms, the children did not test positive for Covid-19 and their schools have not been closed since the 2020/2021 school year began. Therefore,

claimant does not meet the requirements outlined above since June 4, 2020. Claimant is not eligible for PUA effective June 4, 2020.

PUA benefits are allowed from March 15, 2020 through June 6, 2020 and denied thereafter.

**DECISION:**

The Iowa Workforce Development decision dated July 30, 2020 that determined claimant was not eligible for Pandemic Unemployment Assistance (PUA) benefits is modified in favor of appellant. Claimant is eligible for PUA from March 15, 2020 through June 6, 2020 and is denied effective June 7, 2020.



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Adrienne C. Williamson  
Administrative Law Judge  
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September 29, 2020  
Decision Dated and Mailed

acw/sam