

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

RACHEL B FRIZZELL
Claimant

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

APPEAL 21A-DUA-01026-DZ-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 03/22/20
Claimant: Appellant (4)

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

STATEMENT OF THE CASE:

Rachel B Frizzell, the claimant/appellant, filed an appeal from the Iowa Workforce Development decision dated January 16, 2021 that determined she was not eligible for Pandemic Unemployment Assistance (PUA) benefits. Ms. Frizzell was properly notified of the hearing. A telephone hearing was held on April 20, 2021, at 2:00 p.m. Ms. Frizzell participated and testified. Official notice was taken of the administrative record.

ISSUES:

Is Ms. Frizzell eligible for Pandemic Unemployment Assistance benefits?

FINDINGS OF FACT:

Having reviewed the evidence in the record, the administrative law judge finds: Ms. Frizzell was last employed at Motel 8 dba Shree Sai, Inc. in Fairfield, Iowa. She worked as a front desk agent.

In March 2020, the United States declared a public health emergency because of the COVID 19 pandemic. Ms. Frizzell was pregnant. Ms. Frizzell's doctor advised her to self-quarantine because of the risk for severe complications to her pregnancy if she were to contract COVID-19. She quit on March 16, 2020

Ms. Frizzell is the parent of one child, age eleven months. She provides care and needs childcare in order to work. Ms. Frizzell has not had any COVID-19 symptoms. No one in her household has tested positive for COVID-19. Ms. Frizzell has not scheduled to begin new employment, which was cancelled due to Covid-19.

Ms. Frizzell was eligible for and received a combination of REGULAR unemployment insurance (UI) benefits, Pandemic Emergency Unemployment Compensation (PEUC) benefits, and Federal Pandemic Unemployment Compensation (FPUC) benefits from March 22, 2020 through December 19, 2020. The Iowa Workforce Development decision dated February 17, 2021 determined that Ms. Frizzell is again eligible for PEUC benefits effective December 27, 2020.

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).

One of the eligibility requirements for PUA benefits is that a person is not eligible for regular UI benefits or PEUC benefits, including a person who has exhausted their eligibility for these benefits. Ms. Frizzell is eligible for a combination of regular UI benefits and PEUC benefits from March 22, 2020 through December 19, 2020. Therefore, Ms. Frizzell is not eligible for PUA benefits during this time period. Ms. Frizzell is eligible for PEUC benefits again effective December 27, 2020. Therefore, Ms. Frizzell is not eligible for PUA benefits effective December 27, 2020.

Since Ms. Frizzell is not eligible for regular UI benefits or PEUC benefits from December 20, 2020 through December 26, 2020, the question is whether she is eligible for PUA benefits during this time period

Ms. Frizzell requires childcare in order to attend work. Ms. Frizzell meets the eligibility requirements of subparagraph (dd) during this time period and is eligible for PUA benefits during this time period.

Ms. Frizzell must file weekly continued claims in order to receive benefits.

DECISION:

The Iowa Workforce Development decision dated January 16, 2021 that determined Ms. Frizzell was not eligible for Pandemic Unemployment Assistance (PUA) benefits is modified in favor of appellant, Ms. Frizzell. Ms. Frizzell is eligible for PUA from December 20, 2020 through December 26, 2020, pursuant to subparagraph (dd).



Daniel Zeno
Administrative Law Judge
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April 23, 2021
Decision Dated and Mailed

dz/kmj