

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

BRITTANY J TAYLOR
Claimant

APPEAL 21A-DUA-00356-DZ-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

**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:

Brittany J Taylor, the claimant/appellant, filed an appeal from the Iowa Workforce Development decision dated December 31, 2020 that determined she was not eligible for Pandemic Unemployment Assistance (PUA) benefits. Ms. Taylor was properly notified of the hearing. A telephone hearing was held on March 1, 2021, at 4:00 p.m. Ms. Taylor participated in the hearing. Official notice was taken of the administrative record.

ISSUE:

Is Ms. Taylor eligible for Pandemic Unemployment Assistance (PUA) benefits?

FINDINGS OF FACT:

Having reviewed the evidence in the record, the administrative law judge finds: Ms. Taylor was last employed at Team Staffing on assignment to Raining Rose. In March 2020, the United States declared a public health emergency because of the COVID 19 pandemic. Ms. Taylor's employment ended in March 2020. She was six months pregnant and she was exposed to someone who had tested positive for COVID-19. Ms. Taylor self-quarantined. Upon advice of her doctor, Ms. Taylor did not return to work.

Ms. Taylor is the mother of two children age 10 and 8 months. Ms. Taylor's child's school offered hybrid learning from the beginning of the 2020-2021 school year to present. Ms. Taylor's child age 10 goes to school online full-time. Ms. Taylor provides care for her age 8 months child and would need childcare in order to attend work.

Ms. Taylor had COVID-19 symptoms in December 2020 and in January 2021. She self-quarantined both times.

No one in Ms. Taylor's household has tested positive for COVID-19. Ms. Taylor has not been scheduled to commence a new job that was cancelled due to COVID-19.

Ms. Taylor was eligible for and received a combination of regular unemployment insurance (UI) benefits and Pandemic Emergency Unemployment Compensation (PEUC) benefits from March 22, 2020 through November 7, 2020. Ms. Taylor exhausted her eligibility for effective November 7, 2020.

The Iowa Workforce Development decision dated February 17, 2021 determined that Ms. Taylor 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

(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).

Ms. Taylor is eligible for regular UI benefits and PEUC benefits from March 22, 2020 through November 7, 2020. Therefore, Ms. Taylor is not eligible for PUA benefits during this time period.

Ms. Taylor is eligible for PEUC benefits effective December 27, 2020. Therefore, Ms. Taylor is not eligible for PUA benefits effective December 27, 2020.

United States Department of Labor's Unemployment Insurance Program Letter No. 16-20, Change 3, provides, in pertinent part,

When the school system is providing a combination of online and in-person instruction, it is not open for certain student(s) to be physically present at the school on those certain days when receiving online instructions, and therefore is considered closed under section 2102(a)(3)(A)(ii)(I)(dd) of the CARES Act.

In this case, Ms. Taylor's child's school is considered closed from the start of the 2020-2021 school to present, excluding semester breaks. Ms. Taylor cares for both of her children during the school day. She requires childcare in order to attend work. Ms. Taylor meets the eligibility requirements of subparagraph (dd) from November 8, 2020 through December 26, 2020.

Ms. Taylor also meets the eligibility requirements of subparagraph (aa) during the time period when she experienced COVID-19 symptoms in December 2020.

Ms. Taylor must make weekly continued claims in order to receive benefits.

DECISION:

The Iowa Workforce Development decision dated December 31, 2020 that determined Ms. Taylor is not eligible for Pandemic Unemployment Assistance (PUA) benefits is modified in favor of the appellant, Ms. Taylor. Ms. Taylor is eligible for PUA benefits from November 8, 2020 through December 26, 2020 pursuant to subparagraphs (aa) and (dd).



Daniel Zeno
Administrative Law Judge
Unemployment Insurance Appeals Bureau
Iowa Workforce Development
1000 East Grand Avenue
Des Moines, Iowa 50319-0209
Fax 515-478-3528

March 8, 2021
Decision Dated and Mailed

dz/kmj