

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**BREANNAH T MAY**  
Claimant

**APPEAL 21R-DUA-01170-B2-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 07/05/20**  
**Claimant: Appellant (1)**

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

**STATEMENT OF THE CASE:**

Claimant filed a timely appeal from the Iowa Workforce Development decision dated October 5, 2020 that determined claimant was not eligible for federal Pandemic Unemployment Assistance (PUA). Claimant did not appear for the previous hearing set in this matter until after the record was closed. The EAB remanded this matter back to the administrative law judge.

A telephone hearing was held on May 4, 2021. Claimant was properly notified of the hearing. The claimant participated personally.

Official notice was taken of the administrative record. Claimant's Exhibit A was admitted.

**ISSUES:**

Is the claimant eligible for Pandemic Unemployment Assistance?

Is the claimant eligible for Federal Pandemic Unemployment Compensation?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds:

Claimant filed the application for PUA on October 5, 2020. Claimant was employed through Insight Global in Tennessee from the date of June 15, 2020 through September 2020. Claimant missed work from July 6-27, 2020 as she tested positive for Covid and was asked to stay off from work. Claimant was employed at that time as a full-time temp worker for the Pass Group. In this position, claimant did data entry for Covid testing. Prior to moving to Tennessee, claimant had worked in Iowa for a number of years.

Claimant did provide self-certification that she was otherwise able to work and available for work but was unemployed, partially unemployed, or unable or unavailable to work because she had Covid during the time period.

Claimant is not eligible for regular compensation or extended benefits under state or federal law or Pandemic Emergency Unemployment Compensation (PEUC).

### **REASONING AND CONCLUSIONS OF LAW:**

For the reasons set forth below, the Iowa Workforce Development decision dated September 17, 2020 that determined claimant was not eligible for federal Pandemic Unemployment Assistance (PUA) is AFFIRMED.

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. That section provides in part:

(h) RELATIONSHIP BETWEEN PANDEMIC UNEMPLOYMENT ASSISTANCE AND DISASTER UNEMPLOYMENT ASSISTANCE.—Except as otherwise provided in this section or to the extent there is a conflict between this section and section 625 of title 20, Code of Federal Regulations, such section 625 shall apply to this section as if— (1) the term “COVID-19 public health emergency” were substituted for the term “major disaster” each place it appears in such section 625; and (2) the term “pandemic” were substituted for the term “disaster” each place it appears in such section 625.

20 CFR 625.12(a) provides:

(a) Applicable State. The applicable State for an individual shall be that State in which the individual's unemployment is the result of a major disaster.

20 CFR 265.8(a) provides:

(a) Initial application. An initial application for DUA shall be filed by an individual with the State agency of the applicable State within 30 days after the announcement date of the major disaster as the result of which the individual became unemployed, and on a form prescribed by the Secretary which shall be furnished to the individual by the State agency. An initial application filed later than 30 days after the announcement date of the major disaster shall be accepted as timely by the State agency if the applicant had good cause for the late filing, but in no event shall an initial application be accepted by the State agency if it is filed after the expiration of the Disaster Assistance Period. If the 30th day falls on a Saturday, Sunday, or a legal holiday in the major disaster area, the 30-day time limit shall be extended to the next business day.

The applicable state for claimant is Tennessee, as that was the state in which claimant alleges her unemployment resulted from the pandemic. Claimant must file her application for PUA in that state.

**DECISION:**

The Iowa Workforce Development decision dated October 5, 2020 that determined claimant was not eligible for federal Pandemic Unemployment Assistance (PUA) is AFFIRMED. Claimant must file her application for PUA in Tennessee.



---

Blair A. Bennett  
Administrative Law Judge

May 12, 2021  
Decision Dated and Mailed

bab/scn