

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

SUSAN WEBSTER
Claimant

APPEAL 21A-DUA-00426-S2-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

**OC: 11/10/19
Claimant: Appellant (4)**

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

STATEMENT OF THE CASE:

On December 28, 2020, the claimant filed a timely appeal from the Iowa Workforce Development decision dated December 17, 2020 that determined claimant was not eligible for federal Pandemic Unemployment Assistance (PUA) benefits. A telephone hearing was held on March 6. The claimant was properly notified of the hearing and participated personally. The administrative law judge took official notice of the administrative record.

ISSUE:

Is the claimant eligible for Pandemic Unemployment Assistance?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant previously worked for Winthrop Golf Course as a part-time bartender and cook. This position ended at the end of October 2019.

Claimant was required by her medical provider to quarantine for a four-week period between September 13, 2020 and October 10, 2020, due to medical procedures for a heart condition. She was again required to quarantine for a period of eight weeks beginning October 30, 2020, when she underwent heart surgery. Her underlying health condition placed her at a higher risk for contracting COVID-19.

Claimant filed an initial claim for benefits effective November 10, 2019 and reopened her claim effective May 24, 2020. Claimant exhausted her maximum unemployment insurance (UI) benefits the week ending May 29, 2020. Claimant exhausted her initial 13 weeks of Pandemic Emergency Unemployment Compensation (PEUC) benefits the week ending August 28, 2020. Claimant is eligible to receive extended PEUC effective the week ending January 2, 2021.

REASONING AND CONCLUSIONS OF LAW:

For the reasons set forth below, the Iowa Workforce Development decision, dated December 17, 2020 that determined claimant was not eligible for federal Pandemic Unemployment Assistance (PUA) is modified in favor of the appellant.

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 period was subsequently extended through the week ending March 13, 2021 and, in some cases, through the week ending April 10, 2021. See Consolidated Appropriations Act of 2021. The issue to be determined here is whether claimant is a “covered individual” within the meaning of applicable law.

(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—

(l) 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).

Claimant was eligible for UI or PEUC from January 27, 2020 until October 31, 2020; therefore, claimant is not eligible for PUA during that time.

From November 1, 2020 until December 26, 2020, claimant was not eligible for UI, PEUC or another form of unemployment benefits and she was required to quarantine due to an underlying health condition. Claimant meets the requirements of subparagraph (ff) from November 1, 2020 until December 26, 2020. Claimant is eligible to receive extended PEUC effective December 27, 2020; therefore, claimant is not eligible for PUA effective December 27, 2020.

DECISION:

The Iowa Workforce Development decision dated December 17, 2020 that determined claimant was not eligible for Pandemic Unemployment Assistance (PUA) benefits is modified in favor of appellant. PUA benefits are allowed from November 1, 2020 until December 26, 2020, provided claimant is otherwise eligible.



Stephanie Adkisson
Administrative Law Judge
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March 12, 2021
Decision Dated and Mailed

sa/kmj