

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

MELANIE M UDELHOFEN
Claimant

APPEAL 21A-DUA-00657-CL-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 03/22/20
Claimant: Appellant (2)**

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

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the Iowa Workforce Development decision dated January 14, 2021, that determined claimant was not eligible for federal Pandemic Unemployment Assistance (PUA) benefits. A telephone hearing was held on March 27, 2021. The claimant was properly notified of the hearing and participated personally. Claimant's Exhibit A was received.

ISSUE:

Is the claimant eligible for PUA benefits?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was last employed at Burger King as a part-time crew member. Claimant gave birth in December 2019. Claimant was supposed to return from maternity leave in March 2020.

In March 2020, the United States declared a public health emergency due to the COVID 19 pandemic. Claimant has been diagnosed with an autoimmune disorder that puts her at high risk of developing complications if she contracts COVID 19. Claimant's doctor restricted her from returning to work. As of the date of the hearing, claimant's doctor had not released her to return to work. Claimant is otherwise able to and available for work.

Claimant filed a claim for regular unemployment insurance benefits with an effective date of March 22, 2020. Claimant exhausted those benefits during the week ending August 22, 2020. Claimant then began receiving Pandemic Emergency Unemployment Compensation (PEUC). Claimant exhausted PEUC benefits during the week ending November 21, 2020. Claimant began receiving PEUC benefits again effective December 27, 2020. Claimant did not receive any benefits during the five weeks ending December 26, 2020.

REASONING AND CONCLUSIONS OF LAW:

The Coronavirus Aid, Relief, and Economic Security 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.

On December 27, 2020, President Trump signed the “Continued Assistance for Unemployed Workers Act of 2020,” which provides for an extension of the CARES Act unemployment provisions from December 31, 2020 until March 14, 2020.

The issue to be determined here is whether claimant is a “covered individual” who is eligible to receive PUA 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).

Claimant is eligible for PUA benefits under subsection (ff).

DECISION:

The Iowa Workforce Development decision dated January 14, 2021, that determined claimant was not eligible for federal Pandemic Unemployment Assistance (PUA) benefits is reversed. PUA benefits are allowed for the five weeks ending December 26, 2020.



Christine A. Louis
Administrative Law Judge
Unemployment Insurance Appeals Bureau
1000 East Grand Avenue
Des Moines, Iowa 50319-0209
Fax (515)478-3528

March 29, 2021
Decision Dated and Mailed

cal/ol