

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

TREYNOR J REIS
Claimant

APPEAL 21A-DUA-01096-S2-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 03/15/20
Claimant: Appellant (2)

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

STATEMENT OF THE CASE:

On February 11, 2021, claimant Treynor J. Reis filed a timely appeal from the Iowa Workforce Development decision dated January 30, 2021 that determined claimant was not eligible for federal Pandemic Unemployment Assistance (PUA) benefits. A telephone hearing was held on April 27, 2021. 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 is employed by Rolling Ball, LLC and works full time as a manager at the Lift, a bar. He has worked at the Lift since June 2016. Claimant's place of employment closed on March 16, 2020, to comply with the governor's proclamation due to Covid-19. Although bars were later allowed to reopen, claimant's employer chose to be cautious and remained closed. Employer has not yet reopened, although it plans to do so in the next couple of months.

Claimant filed his initial claim for regular unemployment insurance benefits with an effective date of March 15, 2020. Claimant exhausted his benefits effective March 13, 2021, at the end of his benefit year. Claimant filed his PUA application on January 30, 2021.

REASONING AND CONCLUSIONS OF LAW:

For the reasons set forth below, the Iowa Workforce Development decision dated January 30, 2021 that determined claimant was not eligible for federal Pandemic Unemployment Assistance (PUA) is reversed.

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. For claims filed after December 27, 2020, the PUA claimant can only be backdated to December 6, 2020 and retroactive benefits may not be awarded prior to that date. See Unemployment Insurance Program Letter No. 16-20, Change 5.

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).

In this case, the claimant is ineligible for unemployment insurance benefits funded by the State of Iowa pursuant to Iowa Code § 96.4(4)a. This is because he his benefits year ended and he did not file a new claim. Claimant therefore meets the requirements of PL 116-136 Section 2102(a)(3)(A)(i); however, he must also meet the requirements of PL 116-136 Section 2102(a)(3)(A)(ii) to qualify as a “covered individual” under the CARES Act.

PL 116-136 Section 2102(a)(3)(A)(ii)(l) establishes that the claimant must provide self-certification that he is otherwise able to work and available for work within the meaning of applicable State law, except that he is unemployed, partially unemployed, or unable or unavailable to work because of one of the enumerated reasons listed in (aa) through (ll). The Department of Labor expanded coverage and addressed the claimant's situation with the following guidance: “Under this new COVID-19 related reason, if an individual is laid off because the place of employment is partially closed (either permanently or temporarily) or the individual has experienced a reduction in hours, the individual may now self-certify eligibility.” See UIPL No. 16-20, Change 5, pages I-17. Here, the individual is unable to reach the place of

employment because his place of employment has closed. As such, Pandemic Unemployment Assistance (PUA) benefits are allowed effective March 14, 2021.

DECISION:

The Iowa Workforce Development decision dated January 30, 2021 that determined claimant was not eligible for federal Pandemic Unemployment Assistance (PUA) benefits is reversed. PUA benefits are allowed effective March 14, 2021.



Stephanie Adkisson
Administrative Law Judge
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May 04, 2021
Decision Dated and Mailed

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