

**BEFORE THE ALASKA OFFICE OF ADMINISTRATIVE HEARINGS ON REFERRAL
BY THE DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT**

In the Matter of)
)
RAMONA LYNN KING) OAH No. 21-0190-PUA
) Agency No. P21 037
_____)

APPEAL DECISION

Docket Number: P21 037

Hearing Date: March 16, 2021

CLAIMANT APPEARANCES:

DETS APPEARANCES:

Ramona King

None

CASE HISTORY

The claimant, Ramona King, timely appealed an October 19, 2020 determinations that denied Pandemic Unemployment Assistance (PUA) benefits under the CARES Act, Public Law 116-136. The Department of Labor and Workforce Development referred the appeal to the Office of Administrative Hearings on or about January 29, 2021. Under the agreed terms of referral, an administrative law judge (ALJ) hears and decides the appeal under procedures specific to PUA appeals. AS 44.64.060 procedures do not apply.

The matter was heard in a recorded hearing on March 16, 2021. Ms. King testified under oath. At its own election, the Division of Employment and Training Services (DETS) provided only written materials for the hearing, and was not a live participant.

The issue before the ALJ is whether the claimant meets the eligibility requirements of the Act.

FINDINGS OF FACT

Ms. King established a claim for Pandemic Unemployment Assistance benefits effective the week ending March 21, 2020. The Division determined that the claimant was not eligible for PUA benefits because she was not impacted by COVID-19 in a manner that made her a covered individual under the program.

Ms. King, an Anchorage resident with family roots in Sand Point, is partially disabled. She had various irons in the fire for employment in the spring of 2020, but no offers.

For the summer of 2020, Ms. King had a firm offer to work for her father on his skiff in Sand Point, doing set netting. The job would only last from when Anchorage School District school was out to when it went back into session. Ms. King could do the set

net work with her disability, and greatly looked forward to the season. She would receive a fishing share, most likely 50 percent.

Ms. King could not do the job because she could not get to Sand Point. Ravn Air Group, owner of the airlines that had been serving the community, ceased operations on April 5, 2020 “due to the global COVID-19 pandemic and the unprecedented loss of 90% of passenger revenue.”¹ Practical air service to Sand Point did not resume in time for the fishing season.

EXCERPTS OF RELEVANT PROVISIONS OF LAW

The CARES Act of 2020, Public Law 116-136, Title II, Sec. 2102 Pandemic Unemployment Assistance

(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—

* * *

(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; . . .

APPLICATION

The CARES Act, Public Law 116-136, Title II, Sec. 2102 Pandemic Unemployment Assistance defines a “covered individual” as a person who is not eligible for unemployment benefits under any State or Federal program and who is unemployed because one of a list of reasons related to the COVID-19 pandemic. The claimant had

¹ RavnAir Group press release, April 5, 2020 (documentcloud.org/documents/6825371-RavnAirAnnouncement.html).

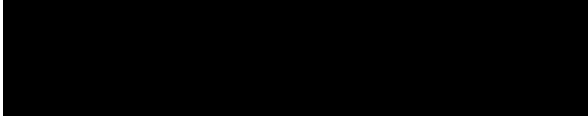
been out of work for some time and could not qualify for a claim for regular unemployment benefits.

Ms. King had a firm summer job offer with a firm start at the end of the 2020 school year. She was “unable to reach the job as a direct result of the COVID-19 public health emergency.” She is a covered individual by virtue of paragraph (gg), quoted above.

DECISION

The determination in Letter ID L0005550554 is **AFFIRMED** as to (1) the periods from the inception of the claim through the week ending May 22, 2020 and (2) from the week ending August 29, 2020 forward. It is **REVERSED** as to the intervening weeks. The claimant is eligible for benefits from the Pandemic Unemployment Assistance (PUA) program from the week ending May 29, 2020 through the week ending August 22, 2020, inclusive.


Dated: March 17, 2021



Christopher Kennedy
Administrative Law Judge

APPEAL RIGHTS

This decision is final unless an appeal is filed in writing to the Commissioner of Labor and Workforce Development **within 30 days** after the decision is mailed to each party. The appeal period may be extended only if the appeal is delayed for circumstances beyond the party’s control. A statement of rights and procedures is enclosed.

CERTIFICATE OF SERVICE

I certify that on March 18, 2021 the foregoing decision was served on Ramona King (by mail and by email to ). A courtesy copy has been emailed to the UI Appeals Office for recordkeeping.


Office of Administrative Hearings