

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

In the Matter of )  
)  
TINA BELL ) OAH No. 21-0912-PUA  
) Agency No. P21-213

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**APPEAL DECISION**

**Docket Number:** P21-213

**Hearing Date:** May 27, 2021

**CLAIMANT APPEARANCES:**

Tina Bell

**DETS APPEARANCES:**

None

**CASE HISTORY**

The claimant in this case, Tina Bell, appealed a December 17, 2020 determination which denied her Pandemic Unemployment Assistance (PUA) benefits under the CARES Act, Public Law 116-136. The decision was recorded in Letter ID L0007133015, dated December 17, 2020.

The Department of Labor and Workforce Development referred the appeal to the Office of Administrative Hearings in April 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 May 27, 2021. Ms. Bell 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 ON ELIGIBILITY**

Ms. Bell established a claim for Pandemic Unemployment Assistance benefits that was effective beginning the week ending October 3, 2020. The Division ultimately found that she was not impacted by COVID-19 in a manner that made her a covered individual under the program, believing that she lost no work as a direct result of the pandemic because she was not employed.

Ms. Bell has not been employed since 2018 when she was a case manager for a mental health agency, ARC of Anchorage. She has been looking for work which has been complicated by a period of homelessness and the lack of employment opportunities

during the COVID-19 epidemic. In March 2021 she began school to improve her prospects of acquiring work.

In September 2020, her adult daughter contracted the COVID-19 virus and in October 2020, her adult son, with whom the sister was living, also contracted COVID-19. The son had serious health problems as a child which resulted in a serious case of COVID-19, with COVID-19 symptoms continuing for a long period of time. He has only returned to work on a part time basis in February 2021. Ms. Bell provided care for her son during this period of time by getting his groceries, medication, attending doctor's appointments with him over the phone, and getting verifications to his employer. Ms. Bell was not employed during this period of time but it hampered her ability to look for work.

### **RELEVANT STATUTORY PROVISIONS**

#### **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—*

(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; [italics added].

### **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 other state or federal program and who is unemployed or unable to work because of one or more listed reasons related to the COVID-19 pandemic.


The claimant is not eligible for unemployment benefits under any other state or federal program. However, as the italicized phrases quoted above state, a person's unemployment must be casually related to the eligible reason. Ms. Bell's claim cannot be sustained because her unemployment after the pandemic began cannot fairly be said to be a result of the pandemic. To be sure, the pandemic added another hurdle in her path, but there were already sufficient hurdles that she was not in the workforce to begin with. In these circumstances, rightly or wrongly, the CARES Act does not provide benefits.

Because Ms. Bell was not in the workforce prior to the time she cared for her adult son during his infection with COVID-19, she is not a covered individual under the Act. The Tribunal cannot find that the claimant meets the definition of covered individual under section 2102 of the CARES Act. She is therefore not eligible for PUA benefits.

### **DECISION**

The determination issued on December 17, 2020 is **AFFIRMED**. The claimant is not eligible for benefits from the Pandemic Unemployment Assistance (PUA) program.

Dated: May 28, 2021


  
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 June 1, 2021 the foregoing decision was served on Tina Bell (by mail and by email). A courtesy copy has been emailed to the DETS UI Technical Team, UI Support Team, and UI Appeals Team.

  
Office of Administrative Hearings