

STATE OF FLORIDA
REEMPLOYMENT ASSISTANCE APPEALS COMMISSION

In the matter of:

Claimant/Appellant

R.A.A.C. Docket Nos. 21-01218
21-01219

vs.

Referee Decision Nos. 0088425292-02
0088426014-02

Employer/-None

ORDER OF REEMPLOYMENT ASSISTANCE APPEALS COMMISSION

These consolidated cases come before the Commission for disposition of the claimant’s appeals of two decisions of a reemployment assistance appeals referee.¹ Each decision held the claimant ineligible for a week of Pandemic Unemployment Assistance (“PUA”) under Section 2102 of the Coronavirus Aid, Relief, and Economic Security Act of 2020 (“CARES Act”), created by Public Law 116-136 (Mar. 27, 2020), as amended by the Continued Assistance for Unemployed Workers Act of 2020 (Dec. 7, 2020) (Pub. L. No. 116-260) and the American Rescue Plan Act of 2021 (Mar. 11, 2021) (Pub. L. No. 117-2), codified at 15 U.S.C. §9021. Florida law governs the appeals process for PUA. 15 U.S.C. §9021(c)(5)(B). The Commission has jurisdiction pursuant to Section 443.151(4)(c), Florida Statutes.

The referee’s decisions further held the claimant timely appealed the adverse determinations. That portion of the referee’s decisions addressing the timeliness is supported by the record and in accord with the law and, therefore, is approved without further comment.

Pursuant to the appeals filed in these cases, the Reemployment Assistance Appeals Commission has conducted a complete review of the evidentiary hearing record and decisions of the appeals referee. *See* §443.151(4)(c), Fla. Stat. The Commission’s review is generally limited to the evidence and issues before the referee and contained in the official record.

The ultimate question before the Commission is whether the claimant was unemployed, partially unemployed, or unable or unavailable to work as a direct result of the COVID-19 public health emergency and is therefore a “covered individual” with respect to PUA pursuant to federal law. 15 U.S.C.

¹ R.A.A.C. Docket No. 21-01218 addresses the claimant’s appeal of Referee Decision No. 0088425292-02 (August 3, 2021); R.A.A.C. Docket No. 21-01219 addresses the claimant’s appeal of Referee Decision No. 0088426014-02 (August 3, 2021).

§9021(a)(3)(A)(ii)(I); 15 U.S.C. §9021(h); 20 C.F.R. §625.5(c). Resolution of that question requires the Commission to consider two specific issues as a matter of first impression. *First*, does the specific PUA provision regarding unemployment caused by medical advice to self-quarantine apply to an individual who is advised to self-quarantine to avoid exposure to the SARS-CoV-2 virus (and thus the COVID-19 disease) not to protect her own health, but to protect the health of another? *Second*, is medical documentation always necessary to prove that an individual has been so advised? We answer the first question in the affirmative and the second in the negative. We thus conclude that the claimant is entitled to PUA benefits for the weeks at issue and **reverse** the underlying decisions.

I. The Decisions Below

In the decisions on appeal, the referee found the facts to be as follows:

On May 21, 2021, a reemployment assistance adjudicator issued a determination, [Issue Identification Number 0088425292-01² and Issue Identification Number 0088426014-01], which held the claimant's unemployment is not a direct result of the pandemic and [the claimant] was not entitled to receive benefits beginning [May 9, 2021, through May 15, 2021, and May 2, 2021, through May 8, 2021, respectively]. Department records reflect that the claimant filed a claim for Pandemic Unemployment Assistance ("PUA") benefits on or about May 21, 2020. The claimant is currently unemployed and lives with her three minor children under 13 years old and spouse, who is employed. The claimant was last employed on March 26, 2020. The claimant quit her employment because at the time her children's schools closed due to COVID-19. The claimant's children were unable to attend school once it reopened because they have auto immune health issues and their health care providers advised for the children to not return. The doctors did not say what time frame for the children to be out of school and for that decision to be reassessed every two months. In April of 2021, the doctors advised the claimant to keep the children out of school for the rest of the school year. The claimant's health care provider advised her to self-quarantine to lower the children's exposure to COVID-19 for as long as the children are out of school. The claimant did not provide any documentation regarding any of the doctors' advice.

² Referee Decision No. 0088425292-02 had a scrivener's error and listed the issue identification number from Referee Decision No. 0088426014-02 as the issue number in the case. The decision is corrected to reflect the issue identification number is 0088425292-01.

The claimant's husband is unable to watch the children so she can work due to his schedule. For the period of time beginning [May 9, 2021, through May 15, 2021, and May 2, 2021, through May 8, 2021], the claimant was not diagnosed with COVID-19 and neither was anyone in the claimant's household. The claimant did not take care of a family member diagnosed with COVID-19 or take care of a family member who was unable to attend a facility because the facility was closed due to COVID-19. The claimant did not quit any jobs. The claimant did not have a firm offer to begin employment that was frustrated by COVID-19. For [these] week[s], the claimant's city or county were not under a mandatory quarantine, the majority financial support for claimant's household did not end as a direct result of COVID-19 and the claimant did not have a place of employment that closed. The doctors felt it was not safe if the children contracted COVID-19 and COVID-19 cases were too high in the claimant's rural area that has very limited protective measures taken. The claimant was unemployed for the week of [May 9, 2021, through May 15, 2021, and May 2, 2021, through May 8, 2021] because she was not looking for work.

Based on these findings and a review of the PUA-eligible reasons set forth in the CARES Act as codified in 15 U.S.C. §9021(a)(3)(A)(ii)(I), the referee concluded the claimant was ineligible to receive PUA for the weeks ending May 8, 2021 (Referee Decision No. 0088426014-02), and May 15, 2021 (Referee Decision No. 0088425292-02). Among other reasons for the decision, the referee noted that the claimant did not provide medical documentation verifying the advice to quarantine for the safety of her children.

II. Analysis

The burden of proof to establish eligibility for benefits rests with the person claiming benefits. *Florida Industrial Commission v. Ciarlante*, 84 So. 2d 1, 4-5 (Fla. 1955). To be eligible for PUA benefits under the CARES Act, a claimant must be 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.

15 U.S.C. §9021(a)(3)(A)(ii)(I). Unemployment must be a direct and immediate result of the pandemic, and not the result of a longer chain of events precipitated or exacerbated by the disaster. 15 U.S.C. §9021(h); 20 C.F.R. §625.5(c). For example, neither a fear of exposure to COVID-19 nor the inability to find work during the pandemic constitute a PUA-qualifying reason for unemployment. 15 U.S.C. §9021(a)(3)(A)(ii)(I); Emp. & Training Admin., U.S. Dep't of Labor, Unemp. Ins. Program Letter 16-20, Change 1, p. I-15, #50 (Apr. 27, 2020); Emp. & Training Admin., U.S. Dep't of Labor, Unemp. Ins. Program Letter 16-20, Change 2, p. I-7, #14 (Jul. 21, 2020).

A. The Medical Advice Provision

Of the specific statutory subparts above that may qualify an individual as a “covered employee” eligible for PUA benefits, only one is potentially applicable to the facts of these cases: subpart (ff), which addresses individuals “unable to reach the place of employment because [they have] been advised by a health care provider to self-quarantine due to concerns related to COVID-19.”³

This provision is commonly understood to apply to employees whose health care providers have advised them to self-quarantine from their workplace due to their particular vulnerability to COVID-19, for example, due to a compromised immune system or existing respiratory illness. Federal guidance gives two examples of how the provision might apply:

- An individual who has been advised by a qualified medical professional that he or she may be infected with COVID-19 and that he or she therefore should self-quarantine. For example, an individual had direct contact with another person who has tested positive for COVID-19 or been diagnosed with COVID-19 by a qualified medical professional and is advised by a health care provider to self-quarantine to prevent further possible spread of the virus. Such circumstances would render the individual unable to reach his or her place of employment.
- An individual whose immune system is compromised by virtue of a serious health condition and is therefore advised by a health care provider to self-quarantine in order to avoid the greater-than-average health risks that the individual might face if he or she were to become infected by COVID-19.

Emp. & Training Admin., U.S. Dep’t of Labor, Unemp. Ins. Program Letter 16-20, Change 4, p. I-5, et seq (Jan. 8, 2021) (hereinafter cited as “Change 4”).

Neither of these examples address the scenario in these cases. However, federal guidance expressly recognizes that the listed examples are not exhaustive and that states may consider other circumstances so long as they are applied consistent with the examples provided. Change 4 at p. I-5 et seq.

We conclude, as a matter of first impression before the Commission, that an individual who is advised to self-quarantine to protect the health of those she cares for falls within the scope of this provision. While the principal purpose of the provision clearly runs towards self-care quarantining, the language of the statute is

³ The claimant also qualified under (dd) earlier in her claim, but in-person schooling was available for the claimant’s children for the weeks at issue in these cases.

not so limited. All that is required is that the self-quarantine advice be due to “concerns relating to COVID-19.” That requirement is met in these cases if the claimant proves with competent evidence that she was advised to self-quarantine to protect her children from possible exposure to COVID-19 through her.

B. Evidence Necessary to Establish Medical Advice to Self-Quarantine

Having resolved the legal issue of whether the claimant’s scenario could fall within the scope of the medical advice provision, we now turn to the second issue: did the claimant provide sufficient evidence to prove as a factual matter that she was so advised.

The referee noted in the decisions that the claimant did not provide medical documentation to support her testimony that she was advised not to work in order to avoid the possibility of bringing the virus home to her vulnerable children. The claimant explained that she would have had to pay for such proof. Indeed, we note that many medical providers do charge an administrative fee for providing specific medical statements.

In rejecting the claimant’s hearsay testimony, the referee was following long-standing evidentiary principles applicable to our hearings under Florida law. Generally, hearsay testimony not otherwise admissible under the Florida evidence code is not sufficient to prove a material fact. *See generally* R.A.A.C. Order No. 14-00075 at pg. 3 (August 27, 2014)⁴; R.A.A.C. Order No. 14-05924 at pg. 7 (April 24, 2015).⁵ For that reason, we have held that a claimant’s testimony about medical advice or other statements by her practitioner central to the outcome of a case must be supported by documentary evidence in order to meet the burden of proof. R.A.A.C. Order No. 14-06037 at pg. 13 (July 16, 2015).⁶

However, a claim under PUA presents an additional evidentiary consideration. Under federal law, a claimant can establish a prima facie entitlement to PUA benefits by self-certifying the grounds for her eligibility for PUA benefits. 15 U.S.C. §9021(a)(3)(A)(ii). This self-certification process is a core part of the PUA benefits regime, designed to expedite the payment of benefits during the pandemic. Subsequent to the passage of the CARES Act, the U.S. Department of Labor issued guidance reaffirming the use of self-certification statements as a means of establishing eligibility for PUA benefits. *See, e.g.,* Emp. & Training Admin., U.S. Dep’t of Labor, Unemp. Ins. Program Letter 16-20, Change 2, p. I-9, #23 (Jul. 21, 2020). Given the congressional choice to elevate claimant declarations to such a

⁴ Available at http://www.floridajobs.org/finalorders/raac_finalorders/14-00075.pdf.

⁵ Available at http://www.floridajobs.org/finalorders/raac_finalorders/14-05924.pdf.

⁶ Available at http://www.floridajobs.org/finalorders/raac_finalorders/14-06037.pdf.

high level of program significance, we conclude that the self-certifications should ordinarily be treated as “trustworthy and probative” documentary evidence whose admission into evidence is in the best interests of justice. The self-certifications are thus presumptively admissible under the statutory residual exception contained in Section 443.151(4)(b)5.c.(I)-(II), Florida Statutes. *See generally* R.A.A.C. Order No. 15-03947 at pg. 5 (February 29, 2016).⁷

As part of the PUA claims process, the Department of Economic Opportunity in late 2020 implemented a reporting menu for weekly claims from which PUA claimants could self-certify facts regarding the specific PUA coverage provision under which they sought benefits. The first week this version of the claims reporting form was available to the claimant was December 19, 2020. On that form, the claimant self-certified that she remained unemployed and from the available choices listed the reason as “I am unemployed because I am unable to reach my place of employment because I was advised to self-quarantine by a health care provider.” She further indicated that she was not able and available due to family or domestic responsibilities. She provided identical responses for the week ending December 26, 2020. Although these certifications were not part of the record below, we conclude that they constitute trustworthy and material documentary evidence that should be considered in these cases. Accordingly, we admit these certifications into the record as Commission-level exhibits.⁸ Because these documents are sufficient evidence that the claimant was given medical advice to self-quarantine, her testimony at the hearing explaining the specifics of that advice and the fact that it was for her children’s benefit can be considered as “corroborative” hearsay in that it supports and explains her prior statements and provides supplemental information. *See* R.A.A.C. Order No. 14-05924 at pgs. 6-7.

Her testimony at the hearing also reveals why the claimant’s subsequent certifications listed childcare as a reason for her unemployment, because her self-quarantining to protect them from COVID-19 was merely one facet of her childcare responsibilities during this time. Based on the record overall, we conclude that the claimant established that she was a covered individual with respect to PUA benefits for the weeks at issue in these cases and was thus entitled to benefits. We also note that our conclusions here are consistent with other decisions rendered by a referee with respect to the claimant’s PUA claim. In Referee Decision Nos. 0087678494-02 (June 5, 2021) and 0087691416-02 (June 15, 2021), the referee reversed

⁷ Available at http://www.floridajobs.org/finalorders/raac_finalorders/15-03947.pdf.

⁸ Because there is no adverse party in these cases, it is not necessary for us to issue an order to show cause regarding their admission.

determinations holding the claimant disqualified for PUA for the weeks ending April 24, 2021, and May 1, 2021, based on the same facts as these cases, i.e., two children were directed by their doctors to stay out of physical school because they have pre-existing conditions that make them susceptible to having extremely adverse side effects to COVID-19.

The decisions of the appeals referee are reversed. If otherwise eligible, the claimant is entitled to PUA benefits for the weeks ending May 8, 2021, and May 15, 2021.

It is so ordered.

REEMPLOYMENT ASSISTANCE APPEALS COMMISSION

Frank E. Brown, Chairman
Joseph D. Finnegan, Member

This is to certify that on
12/9/2021,
the above order was filed in the office of
the Clerk of the Reemployment
Assistance Appeals Commission, and a
copy mailed to the last known address
of each interested party.
By: Benjamin Bonnell
Deputy Clerk



DEPARTMENT OF ECONOMIC OPPORTUNITY
REEMPLOYMENT ASSISTANCE PROGRAM
PO BOX 5250
TALLAHASSEE, FL 32314 5250



*243796106 *

IMPORTANT: For free translation assistance, you may call 1-800-204-2418. Please do not delay, as there is a limited time to appeal.

IMPORTANTE: Para recibir ayuda gratuita con traducciones, puede llamar al 1-800-204-2418. Por favor hágalo lo antes posible, ya que el tiempo para apelar es limitado.

ENPÒTAN: Pou yon intèpret asistè ou gratis, nou gendwa rélé 1-800-204-2418. Sil vou plè pa pràn àmpil tòn, paské tòn limitè pou ou ranpli apèl la.

Docket No. 0088 4252 92-02

Jurisdiction: §443.151(4)(a)&(b) Florida Statutes

CLAIMANT/Appellant

EMPLOYER/Appellee

APPEARANCES

Claimant

PANDEMIC UNEMPLOYMENT ASSISTANCE APPEAL DECISION

Important appeal rights are explained at the end of this decision.

Derechos de apelación importantes son explicados al final de esta decisión.

Yo eksplike kèk dwa dapèl enpòtan lan fen desizyon sa a.

Issues Involved:

Pandemic Unemployment Assistance (PUA): Whether the claimant is entitled to Pandemic Unemployment Assistance, pursuant to 20 CFR, Chapter V, Section 625 and Section 2102 of the CARES Act of 2020, Public Law (Pub. L.) 116-136.

TIMELINESS: Whether an appeal, request for reconsideration, or request to reopen an appeal was filed within twenty days after mailing of the determination or decision to the adversely affected party's address of record or, in the absence of mailing, within twenty days after delivery, pursuant to Sections 443.151(3); 443.151(4)(b)1., Florida Statutes; Rules 73B-10.022(1); 10.022(5); 10.023(1); 11.017(2); 20.002-007, Florida Administrative Code.

PANDEMIC UNEMPLOYMENT ASSISTANCE AND TIMELINESS

JURISDICTIONAL ISSUE: TIMELINESS

FINDINGS OF FACT: On May 21, 2021, a reemployment assistance adjudicator issued a determination, Issue Identification Number 0088 4252 92-01, which was adverse to the claimant. The appeal due date of that determination was June 10, 2021. The claimant elected to receive notices from the Department via email. The claimant received the determination a few days after it was issued. The claimant contacted the Department and asked a representative if she needed to file an appeal to this determination since she filed appeals on other claims. The representative informed the claimant that she did not need to file an appeal. During a hearing on a different claim, the claimant realized she needed to file an appeal for each claim. The claimant's appeal was filed on June 29, 2021.

CONCLUSIONS OF LAW: Federal regulations provide an appeal period of 20 days from the date a PUA determination or redetermination is mailed or electronically distributed, or if the determination is not mailed or electronically delivered, within 20 days of the date of delivery.

Here, the record reflects that on May 21, 2021 a reemployment assistance adjudicator issued a determination which was adverse to the claimant and contained an appeal due date of June 10, 2021. The court has held that factual testimony that is not rebutted or contradicted in any manner cannot be disregarded or rejected by the trial court unless it is illegal, inherently improbable or unreasonable, contrary to natural law, opposed to common knowledge or contradictory within itself. See *Meditek Therapy, Inc. v. Vat-Tech, Inc.*, 658 So.2d 644 (Fla. 2nd DCA 1995). Here, the claimant testified that she elected to receive notices from the Department via email and that she received the determination a few days after it was issued. The claimant also testified that she contacted the Department and asked a representative if she needed to file an appeal to this determination since she filed appeals on other claims. Next, the claimant testified that the representative informed the claimant that she did not need to file an appeal. The claimant testified that during a hearing on a different claim, the claimant realized she needed to file an appeal for each claim. The claimant's appeal was filed on June 29, 2021. Since the claimant received the determination before the appeal due date and did not timely file an appeal based on misinformation from a Department representative, the claimant's appeal shall not be held as untimely filed. The appeals referee has jurisdiction over the merits of the case.

PANDEMIC UNEMPLOYMENT ASSISTANCE

FINDINGS OF FACT: On May 21, 2021, a reemployment assistance adjudicator issued a determination, Issue Identification Number 0088 4260 14-01, which held the claimant's unemployment is not a direct result of the pandemic and was not entitled to receive benefits beginning May 9, 2021 through May 15, 2021. Department records reflect that the claimant filed a claim for Pandemic Unemployment Assistance ("PUA") benefits on or about May 21, 2020. The claimant is currently unemployed and lives with her three minor children under 13 years old and spouse, who is employed. The claimant was last employed on March 26, 2020. The claimant quit her employment because at the time her children's schools closed due to COVID-19. The claimant's children were unable to attend school once it reopened because they have auto immune health issues and their health care providers advised for the children to not return. The doctors did not say what time frame for the children to be out of school and for that decision to be reassessed every two months. In April of 2021, the doctors advised the claimant to keep the children out of school for the rest of the school year. The claimant's health care provider advised her to self-quarantine to lower the children's exposure to COVID-19 for as long as the children are out of school.

The claimant did not provide any documentation regarding any of the doctors' advice. The claimant's husband is unable to watch the children so she can work due to his schedule. For the period of time beginning May 9, 2021 through May 15, 2021, the claimant was not diagnosed with COVID-19 and neither was anyone in the claimant's household. The claimant did not take care of a family member diagnosed with COVID-19 or take care of a family member who was unable to attend a facility because the facility was closed due to COVID-19. The claimant did not quit any jobs. The claimant did not have a firm offer to begin employment that was frustrated by COVID-19. For this week, the claimant's city or county were not under a mandatory quarantine, the majority financial support for claimant's household did not end as a direct result of COVID-19 and the claimant did not have a place of employment that closed. The doctors felt it was not safe if the children contracted COVID-19 and COVID-19 cases were too high in the claimant's rural area that has very limited protective measures taken. The claimant was unemployed for the week of May 9, 2021 through May 15, 2021 because she was not looking for work.

CONCLUSIONS OF LAW: In order to be eligible for PUA benefits under the CARES Act, a claimant must be 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. 15 U.S.C. §9021(a)(3)

Unemployment must be a direct and immediate result of the pandemic, and not the result of a longer chain of events

precipitated or exacerbated by the pandemic. 15 U.S.C. §9021(h); 20 C.F.R. §625.5(c). Unemployment due to a general fear of exposure to COVID-19 or due to inability to find work during the pandemic does not constitute a PUA-qualifying reason for unemployment under the CARES Act. 15 U.S.C. §9021(a)(3).

The record reflects the claimant's unemployment is not a direct result of the COVID-19 public health emergency. To be eligible for PUA benefits, a claimant must be unemployed, partially unemployed, or unable or unavailable to work due to one of the COVID-19 related reasons as set forth in the CARES Act, 15 U.S.C. §9021(a)(3)(a)(iii)(I). The claimant's unemployment continued because of a fear of her children being exposed to COVID-19 and because the claimant was not looking for work and was therefore unable to find employment. The court has held that factual testimony that is not rebutted or contradicted in any manner cannot be disregarded or rejected by the trial court unless it is illegal, inherently improbable or unreasonable, contrary to natural law, opposed to common knowledge or contradictory within itself. See *Meditek Therapy, Inc. v. Vat-Tech, Inc.*, 658 So.2d 644 (Fla. 2nd DCA 1995). Here, the claimant testified that she is currently unemployed

and lives with her three minor children under 13 years old and spouse, who is employed. The claimant also testified that she was last employed on March 26, 2020 and that she quit her employment because at the time her children's schools closed due to COVID-19. Next, the claimant testified that her children were unable to attend school once it reopened because they have auto immune health issues and their health care providers advised for the children to not return. The claimant testified that the doctors did not say what time frame for the children to be out of school and for that decision to be reassessed every two months. The claimant explained that in April of 2021, the doctors advised the claimant to keep the children out of school for the rest of the school year. The claimant testified that her health care provider advised her to self-quarantine to lower the children's exposure to COVID-19 for as long as the children are out of school. However, the claimant did not provide any documentation regarding any of the doctors' advice regarding an indefinite period of staying home and keeping the children out of school. When asked whether the claimant's husband could watch the children so she could work, the claimant testified that no he could not because of his work schedule. Further, the claimant testified that for the period of time beginning May 9, 2021 through May 15, 2021, the claimant was not diagnosed with COVID-19 and neither was anyone in the claimant's household. The claimant testified that she did not take care of a family member diagnosed with COVID-19 or take care of a family member who was unable to attend a facility because the facility was closed due to COVID-19. The claimant testified that she did not quit any jobs and that she did not have a firm offer to begin employment that was frustrated by COVID-19. For this week, the claimant testified that her city or county were not under a mandatory quarantine and that the majority financial support for her household did not end as a direct result of COVID-19. The claimant did testify that the doctors felt it was not safe if the kids contracted COVID-19 and COVID-19 cases were too high in the claimant's rural area that has very limited protective measures taken. Finally, the claimant testified that she was unemployed for the week of May 9, 2021 through May 15, 2021 because she was not looking for work.

The claimant is not qualified for any benefits under the PUA program under any subparagraph. The claimant's unemployment is not a direct and immediate result of the pandemic; instead, the claimant's continued unemployment is the result of a longer chain of events precipitated or exacerbated by the pandemic. Unemployment due to a general fear of exposure to COVID-19 or due to inability to find work during the pandemic does not constitute a PUA-qualifying reason for unemployment under the CARES Act. Therefore, the claimant is disqualified from receiving PUA benefits and ineligible to receive PUA benefits from the period of time beginning May 9, 2021 through May 15, 2021.

DECISION: The determination dated May 21, 2021, holding the claimant ineligible, is AFFIRMED. The claimant is ineligible for pandemic unemployment assistance benefits for the period of time beginning May 9, 2021 through May 15, 2021.

This is to certify that a copy of the above decision was distributed/mailed to the last known address of each interested party on August 3, 2021.

K. Presley
Appeals Referee



Robin Jones, Deputy Clerk

IMPORTANT - APPEAL RIGHTS: This decision will become final unless a written request for review or reopening is filed within 20 calendar days after the distribution/mailed date shown. If the 20th day is a Saturday, Sunday or holiday defined in F.A.C. 73B-21.003(4), filing may be made on the next day that is not a Saturday, Sunday or holiday. If this decision disqualifies and/or holds the claimant ineligible for benefits already received, the claimant will be required to repay those benefits. The specific amount of any overpayment will be calculated by the Department and set forth in a separate overpayment determination. However, the time to request review of this decision is as shown above and is not stopped, delayed or extended by any other determination, decision or order.

A party who did not attend the hearing for good cause may request reopening, including the reason for not attending, at connect.myflorida.com or by writing to the address at the top of this decision. The date of the confirmation page will be the filing date of a request for reopening on the Department's Web Site.

A party who attended the hearing and received an adverse decision may file a request for review to the Reemployment Assistance Appeals Commission, 1211 Governors Square Boulevard, Suite 300, Tallahassee, FL 32301-2975; (Fax: 850-488-2123); <https://raaciap.floridajobs.org>. If mailed, the postmark date will be the filing date. If faxed, hand-delivered, delivered by courier service other than the United States Postal Service, or submitted via the Internet, the date of receipt will be the filing date. To avoid delay, include the docket number and the last five digits of the claimant's social security number. A party requesting review should specify any and all allegations of error with respect to the referee's decision, and provide factual and/or legal support for these challenges. Allegations of error not specifically set forth in the request for review may be considered waived.

There is no cost to have a case reviewed by the Commission, nor is a party required to be represented by an attorney or other representative to have a case reviewed. The Reemployment Assistance Appeals Commission has not been fully integrated into the Department's CONNECT system. While correspondence can be mailed or faxed to the Commission, no correspondence can be submitted to the Commission via the CONNECT system. All parties to an appeal before the Commission must maintain a current mailing address with the Commission. A party who changes his/her mailing address in the CONNECT system must also provide the updated address to the Commission, in writing. All correspondence sent by the Commission, including its final order, will be mailed to the parties at their mailing address on record with the Commission.

IMPORTANTE - DERECHOS DE APELACIÓN: Esta decisión pasará a ser final a menos que una solicitud por escrito para revisión o reapertura se registre dentro de 20 días de calendario después de la distribución/fecha de envío marcada en que la decisión fue remitida por correo. Si el vigésimo (20) día es un sábado, un domingo o un feriado definidos en F.A.C. 73B-21.003(4), el registro de la solicitud se puede realizar en el día siguiente que no sea un sábado, un domingo o un feriado. Si esta decisión descalifica y/o declara al reclamante como inelegible para recibir beneficios que ya fueron recibidos por el reclamante, se le requerirá al reclamante rembolsar esos beneficios. La cantidad específica de cualquier sobrepago [pago excesivo de beneficios] será calculada por la Agencia y establecida en una determinación de pago excesivo de beneficios que será emitida por separado. Sin embargo, el límite de tiempo para solicitar la revisión de esta decisión es como se establece anteriormente y dicho límite no es detenido, demorado o extendido por ninguna otra determinación, decisión u orden.

Una parte que no asistió a la audiencia por una buena causa puede solicitar una reapertura, incluyendo la razón por no haber comparecido en la audiencia, en connect.myflorida.com o escribiendo a la dirección en la parte superior de esta decisión. La fecha de la página de confirmación será la fecha de presentación de una solicitud de reapertura en la página de Internet del Departamento.

Una parte que asistió a la audiencia y recibió una decisión adversa puede registrar una solicitud de revisión con la Comisión de Apelaciones de Servicios de Reempleo; Reemployment Assistance Appeals Commission, 1211 Governors Square Boulevard, Suite 300, Tallahassee, FL 32301-2975; (Fax: 850-488-2123); <https://raaciap.floridajobs.org>. Si la solicitud es enviada por correo, la fecha del sello de la oficina de correos será la fecha de registro de la solicitud. Si es enviada por telefax, entregada a mano, entregada por servicio de mensajería, con la excepción del Servicio Postal de Estados Unidos, o realizada vía el Internet, la fecha en la que se recibe la solicitud será la fecha de registro. Para evitar demora, incluya el número de expediente [docket number] y los últimos cinco dígitos del número de seguro social del reclamante. Una parte que solicita una revisión debe especificar cualquiera y todos los alegatos de error con respecto a la decisión del árbitro, y proporcionar fundamentos reales y/o legales para substanciar éstos desafíos. Los alegatos de error que no se establezcan con especificidad en la solicitud de revisión pueden considerarse como renunciados.

No hay ningún costo para tener un caso revisado por la Comisión, ni es requerido que una parte sea representado por un abogado u otro representante para poder tener un caso revisado. La Comisión de Apelación de Asistencia de Reempleo no ha sido plenamente integrado en el sistema CONNECT del Departamento. Mientras que la correspondencia puede ser enviada por correo o por fax a la Comisión, ninguna correspondencia puede ser sometida a la Comisión a través del sistema CONNECT. Todas las partes en una apelación ante la Comisión deben mantener una dirección de correo actual con la Comisión. La parte que cambie su dirección de correo en el sistema CONNECT también debe proporcionar la dirección actualizada a la Comisión, por escrito. Toda la correspondencia enviada por la Comisión, incluida su orden final, será enviada a las partes en su dirección de correo en el registro con la Comisión.

ENPÒTAN - DWA DAPÈL: Desizyon sa a ap definitiv sòf si ou depoze yon apèl nan yon delè 20 jou apre dat distribisyon/postaj. Si 20yèm jou a se yon samdi, yon dimanch oswa yon jou konje, jan sa defini lan F.A.C. 73B-21.003(4), depo an kapab fèt jou aprè a, si se pa yon samdi, yon dimanch oswa yon jou konje. Si desizyon an diskalifye epi/oswa deklare moun k ap fè demann lan pa kalifye pou alokasyon li resevwa deja, moun k ap fè demann lan ap gen pou li remèt lajan li te resevwa a. Se Ajans lan k ap kalkile montan nenpòt ki peman anplis epi y ap detèmine sa lan yon desizyon separe. Sepandan, delè pou mande revizyon desizyon sa a se delè yo bay anwo a; Okenn lòt detèminasyon, desizyon oswa lòd pa ka rete, retade oubyen pwolonje dat sa a.

Yon pati ki te gen yon rezon valab pou li pat asiste seyans lan gen dwa mande pou yo ouvri ka a ankò; fòk yo bay rezon yo pat ka vini an epi fè demann nan sou sitwèb sa a, connect.myflorida.com oswa alekri nan adrès ki mansyone okomansman desizyon sa a. Dat cofimasyon page sa pral jou ou ranpli deman pou reouvewti dan web sit depatman.

Yon pati ki te asiste odyans la epi li resevwa yon desizyon negatif kapab soumèt yon demann pou revizyon retounen travay Asistans Komisyon Apèl la, Reemployment Assistance Appeals Commission, 1211 Governors Square Boulevard, Suite 300, Tallahassee, FL 32301-2975; (Faks: 850-488-2123); <https://raaciap.floridajobs.org>. Si poste a, dat tenm ap dat li ranpli aplikasyon. Si fakse, men yo-a delivre, lage pa sèvis mesajè lèt pase Etazini Sèvis nan Etazini Nimewo, oswa soumèt sou Entènèt la, dat yo te resevwa ap dat li ranpli aplikasyon.

Pou evite reta, mete nimewo rejis la ak senk dènye chif nimewo sekirite sosyal demandè a sosyal demandè a sekirite. Yon pati pou mande revizyon ta dwe presize nenpòt ak tout akizasyon nan erè ki gen rapò ak desizyon abit la, yo epi bay sipò reyèl ak / oswa legal pou defi sa yo. Alegasyon sou erè pa espesyalman tabli nan demann nan pou revizyon yo kapab konsidere yo egzante.

Pa gen okenn kou pou Komisyon an revize yon ka, ni ke yon pati dwe reprezante pa yon avoka oubyen lòt reprezantan pou ke la li a revize. Komisyon Apèl Asistans Reyanbochaj pa te entegre antyèman nan sistèm CONNECT Depatman an. Byenke korespondans kapab fakse oubyen pòste bay Komisyon an, okenn korespondans pa kapab soumèt bay Komisyon an atravè sistèm CONNECT. Tout pati ki nan yon apèl devan Komisyon an dwe mentni yon adrès postal ki ajou avèk Komisyon an. Yon pati ki chanje adrès postal li nan sistèm CONNECT la dwe bay Komisyon an adrès ki mete ajou a tou. Tout korespondans ke Komisyon an voye, sa enkli manda final li, pral pòste voye bay pati yo nan adrès postal yo genyen nan achiv Komisyon an.

An equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities. All voice telephone numbers on this document may be reached by persons using TTY/TDD equipment via the Florida Relay Service at 711.