

**STATE OF FLORIDA**  
**REEMPLOYMENT ASSISTANCE APPEALS COMMISSION**

In the matter of:

Claimant/Appellant

R.A.A.C. Docket Nos. 21-01868  
21-01869  
21-01870  
21-01871

vs.

Referee Decision Nos. 0091376024-03  
0091376351-03  
0091376607-03  
0091379489-03

Employer/-None

---

**ORDER OF REEMPLOYMENT ASSISTANCE APPEALS COMMISSION**

---

This consolidated matter comes before the Commission for consideration of appeals of four decisions of a reemployment assistance appeals referee. 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. 27, 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. Chapter 116. 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 weeks addressed under the respective R.A.A.C. Docket Nos., and the underlying Referee Docket Nos., are as follows:

<b>RAAC Docket No.</b>	<b>Referee Docket No.</b>	<b>Week Addressed</b>
21-01868	0091376024-03	6/06/21 - 6/12/21
21-01869	0091376351-03	6/13/21 - 6/19/21
21-01870	0091376607-03	6/20/21 - 6/26/21
21-01871	0091379489-03	6/27/21 - 7/03/21

The issue before the Commission in these appeals 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 for the weeks at issue, and is, therefore, a “covered individual” under PUA. 15 U.S.C. §9021(a)(3)(A)(ii)(I); 15 U.S.C. §9021(h); 20 C.F.R. §625.5(c).

The referee made the following findings of fact:

Department records reflect the claimant applied for pandemic unemployment assistance on August 19, 2020 with a weekly benefit amount determination of \$125.00. The claimant previously worked [as a] Customer Service Representative to which the claimant was laid off on March 15, 2020 due to the pandemic. For the [weeks ending June 12 through July 3, 2021], the claimant was unemployed due to effects of her previous separation and inability to secure additional employment. The claimant’s unemployment is not a direct result of COVID-19.

Each of the four decisions contains virtually identical findings of facts as to the issue of the claimant’s eligibility for PUA benefits, with the exception being that each decision contains a distinct issue identification number for each case and a different week under review to correspond to the issue identification numbers.

Based on these findings, the referee held the claimant ineligible for PUA benefits for the weeks ending June 12, 2021, through July 3, 2021, on the grounds her continued unemployment was not a direct result of the pandemic. Upon review of the record and the arguments on appeal, the Commission concludes the referee’s decisions are not in accord with the law; consequently, they are all reversed as to that issue.

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).

Additionally, under the authority provided by 15 U.S.C. §9021(a)(3)(A)(ii)(I)(kk), the Secretary of the Department of Labor has extended eligibility to the following individuals under certain circumstances:

- (1) self-employed individuals, including independent contractors and gig workers, who experienced a significant diminution of their customary or usual services because of the COVID-19 public health emergency;

- (2) individuals who refused to return to work or to accept an offer of work at a worksite that is unsafe due to non-compliance with local, state, or national health and safety standards directly related to COVID-19;
- (3) an individual who provides services to an educational institution or educational service agency and is unemployed or partially unemployed because of volatility in the work schedule, including changes in schedules and partial closures, that is directly caused by the COVID-19 public health emergency; and
- (4) individuals whose hours have been reduced or who have been temporarily or permanently laid off as a direct result of the COVID-19 public health emergency.

Emp. & Training Admin., U.S. Dep't of Labor, Unemp. Ins. Program Letter 16-20, Change 2, p.2, 4.b. (Jul. 21, 2020) (regarding self-employed individuals experiencing significant diminution in services); Emp. & Training Admin., U.S. Dep't of Labor, Unemp. Ins. Program Letter 16-20, Change 5, p.5-9 (Feb. 25, 2021) (regarding individuals who refused to return to work or to accept an offer of work in an unsafe worksite, employees of educational institutions and service agencies experiencing schedule volatility, and employees experiencing a reduction in hours or a layoff).

During the appeals hearing, the claimant testified that she was laid off from her last position in March 2020 due to the pandemic when the employer closed its doors. We reject the referee's conclusion that, while the claimant's separation was a direct result of the pandemic, her subsequent work search with no job offers was not a direct result of the pandemic. If the original cause of a claimant's unemployment was due to the pandemic (e.g., he or she separated from work due to the pandemic), and there are no subsequent material intervening causal events, then the claimant would remain entitled to PUA benefits.<sup>1</sup> Here, the claimant demonstrated that the original cause of her separation was pandemic-related and no subsequent intervening events were reflected in the evidence. This claimant need not concurrently satisfy another subparagraph of the above PUA statute for each week under review, as the decision implies.

Thus, the referee's findings do not support holding the claimant not entitled to benefits for the weeks ending June 12, 2021, through July 3, 2021. Consequently, the claimant is eligible for PUA benefits during the weeks in question.

---

<sup>1</sup> An intervening causal event that would support a disqualification from PUA benefits would be, for example, the acceptance and beginning of other work and a subsequent separation from that work that was not pandemic related, such as a discharge for misconduct. Another intervening causal event would be a refusal to work because of a fear of contracting COVID-19. See R.A.A.C. Order No. 21-00938 at pgs. 3-4 (July 28, 2021), available at [https://www.floridajobs.org/finalorders/raac\\_finalorders/21-00938.pdf](https://www.floridajobs.org/finalorders/raac_finalorders/21-00938.pdf).

The decision of the appeals referee is reversed. If otherwise eligible, the claimant is entitled to benefits.

It is so ordered.

REEMPLOYMENT ASSISTANCE APPEALS COMMISSION

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

This is to certify that on

1/20/2022,

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: Amber Mccray

Deputy Clerk



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



\*257718296 \*

**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.** 0091 3794 89-03

**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 and in what amount Pandemic Unemployment Assistance is payable to the claimant, pursuant to 20 CFR, Chapter V, Section 625 and Section 2102 of the CARES Act of 2020, Public Law (Pub. L.) 116-136.

**Findings of Fact:**

Department records reflect the claimant applied for pandemic unemployment assistance on August 19, 2020 with a weekly benefit amount determination of \$125.00. The claimant previously worked for \_\_\_\_\_ as a Customer Service Representative to which the claimant was laid off on March 15, 2020 due to the pandemic. For the week of June 27 through July 3, 2021, the claimant was unemployed due to effects of her previous separation and inability to secure additional employment. The claimant's unemployment is not a direct result of COVID-19.

**Conclusions of Law:**

**Pandemic Unemployment Assistance**

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 claimant's unemployment is due to the affects of the claimant's separation from her previous employment because of COVID-19 and due to not finding employment that fits her availability. The claimant testified that she was seeking employment anywhere that she possibly could. The claimant had no other CARES Act qualifying reasons that would allow the claimant to receive benefits for the week the in question despite actively seeking employment. The claimant's unemployment is a not direct and immediate result of the pandemic but the result of a longer chain of events precipitated or exacerbated by the pandemic and therefore, disqualified for benefits.

**Decision:**

The determination dated July 14, 2021 finding the claimant disqualified is **AFFIRMED**. Future eligibility shall be determined by an adjudicator. Please note that as of May 29, 2021, claimants are required to report their work search efforts to continue to receive benefits unless a CARES Act exception exists.

This is to certify that a copy of the above decision was distributed/mailed to the last known address of each interested party on November 16, 2021.

**L. Seay**  
Appeals Referee




---

Carol Zeitler, 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](https://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 reembolsar 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](https://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](https://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 lòt 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.