

MEMORANDUM DECISION

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APPELLANT, PRO SE
J.Z.
Terre Haute, Indiana

ATTORNEYS FOR APPELLEE
Theodore E. Rokita
Attorney General
Natalie F. Weiss
Deputy Attorney General
Indianapolis, Indiana

IN THE COURT OF APPEALS OF INDIANA

J.Z.,
Appellant-Claimant,

v.

Review Board of the Indiana
Department of Workforce
Development,
Appellee

August 3, 2022

Court of Appeals Case No.
21A-EX-2202

Appeal from the Review Board of
the Indiana Department of
Workforce Development

Lawrence A. Daily, Member
Heather D. Cummings, Member

Claim Nos.
21-R-1589
21-R-1590

Vaidik, Judge.

Case Summary

- [1] J.Z. appeals the decision of the Review Board of the Indiana Department of Workforce Development affirming the decision of an Administrative Law Judge (ALJ) that he is not eligible to receive Pandemic Unemployment Assistance (PUA) benefits under the Coronavirus Aid, Relief, and Economic Security (CARES) Act. We affirm.

Facts and Procedural History

- [2] J.Z. began working as a nurse for a home-healthcare company in January 2020. In late February, J.Z. was diagnosed with a viral illness and “missed about one week of work.” Tr. p. 14. After J.Z. recovered from his illness and returned to work, his employer asked him “to sign something” because he hadn’t documented a patient’s dressing change “in a timely manner.” *Id.* at 12, 13. J.Z. claimed his employer was “trying to pick apart a few things,” which affected patient care, and that he no longer wanted to be “involved with that company for the safety of the patients.” *Id.* at 14; *see also id.* at 19 (claiming his employer was “pick[ing] on” him). J.Z. “voluntarily” quit on March 10. *Id.* at 13.
- [3] J.Z. later sought PUA benefits. A claims investigator with the Department of Workforce Development determined J.Z. wasn’t eligible for PUA benefits. J.Z. appealed, and a hearing was held before an ALJ in March 2021. Following the hearing, the ALJ affirmed the claims investigator’s determination:

Claimant was not unemployed, partially unemployed, or unable or unavailable to work due to a reason listed in Section 2102 of the CARES Act of 2020. The Claimant's separation from his previous employer was not influenced by the COVID-19 public health emergency. Furthermore, Claimant's viral illness was never diagnosed as COVID-19.

Ex. p. 37. J.Z. appealed to the Review Board, which adopted the ALJ's findings of fact and conclusions of law and affirmed her decision.

[4] J.Z., pro se, now appeals.

Discussion and Decision

[5] Review Board decisions may be challenged as contrary to law, in which case we examine the sufficiency of the facts found to sustain the decision and the sufficiency of the evidence to sustain the findings of facts. Ind. Code § 22-4-17-12(f). Under this standard, we review (1) findings of basic fact to ensure "substantial evidence" supports those findings, (2) conclusions of law for correctness, and (3) inferences or conclusions from basic facts, often called "mixed questions of law and fact," for reasonableness. *Q.D.-A., Inc. v. Ind. Dep't of Workforce Dev.*, 114 N.E.3d 840, 845 (Ind. 2019).

[6] J.Z. contends the Review Board's decision that he isn't eligible for PUA benefits is contrary to law. To qualify for PUA benefits, an individual must be "unemployed, partially unemployed, or unable or unavailable to work **because**" of a COVID-19-related reason listed in Section 2102 of the CARES Act, including that "the individual has been diagnosed with COVID-19 or is

experiencing symptoms of COVID-19 and seeking a medical diagnosis” or the individual “has to quit his or her job as a direct result of COVID-19.” 15 U.S.C. § 9021(a)(3)(A)(ii)(I)(aa) & (ii) (emphasis added).

[7] J.Z. claims he had COVID-19 in late February 2020. He acknowledges he wasn’t formally diagnosed with it but says that is because tests weren’t readily available then. But even assuming J.Z. had COVID-19, he wasn’t unemployed or unable to work **because** of COVID-19. The record shows J.Z. got sick, missed a week of work, and then returned to his nursing job. Moreover, J.Z. didn’t quit his job as a “direct result” of COVID-19. Instead, the record shows J.Z. quit his job because he didn’t like one of his employer’s policies. These are not covered reasons under the CARES Act. We therefore affirm the Review Board.¹

[8] Affirmed.

Crone, J., and Altice, J., concur.

¹ J.Z. claims the Review Board failed to admit additional evidence he submitted, specifically, his medical records showing he had been diagnosed with a viral illness with symptoms similar to COVID-19. *See* Appellant’s Br. p. 9 (citing appendix pages). But the record does not reveal that J.Z. followed the procedure in 646 Indiana Administrative Code 5-10-11(b) for presenting additional evidence to the Review Board. And as explained above, even assuming J.Z. had been diagnosed with COVID-19, he still isn’t entitled to PUA benefits.