

# DECISION DIGEST

*Actual cases and rulings from Princeton Claims Management*

JUNE 2021

## ALTHOUGH DISQUALIFIED FOR REGULAR UI - INDIVIDUALS MAY BE ELIGIBLE FOR PANDEMIC UNEMPLOYMENT ASSISTANCE

### Background

A Registered EEG Technologist worked for the hospital for three years when she had to take a personal leave of absence. Unfortunately, the technologist lost childcare for her special needs child when his childcare center closed due to the pandemic. At the end of her leave, the employee asked for an extension, which was denied because of a staff shortage. Having no other options, the employee resigned to take care of her child.

### Process

The employee (claimant) filed an unemployment claim and was held disqualified due to voluntarily leaving work without good cause connected to the work in accordance with N.J.S.A. 43:21-5(a). Although the claimant acknowledged she left her job for personal reasons, she appealed the decision arguing that she had been forced to leave due to factors not within her control and, therefore, should be eligible for benefits.

The claimant pursued an appeal to the Appeal Tribunal and participated in a hearing with the employer witness and its agent (Princeton Claims Management). The claimant agreed she had resigned her job voluntarily to care for her child, but contended that she would have continued working if she had not lost childcare because of the pandemic. She argued, therefore, that she had been forced to leave the job through no fault of her own. The employer witness testified that continuing work was available for the claimant, but understood that her child needed her. The employer was willing to keep the technician's position open for a reasonable period of time, but, when it became clear that she could not return, they accepted her resignation.

### Judgment

In the Appeal Tribunal's decision, the examiner opined that, in order to avoid disqualification under N.J.S.A. 43:21-5(a), a claimant must demonstrate that the reason for quitting was connected to the work. Although the claimant provided compelling evidence of her reasons for leaving, they were personal and disqualifying under regular unemployment insurance. However, since the claimant had a pandemic related reason for leaving work, as defined under the Coronavirus Aid Relief Economic Security Act (CARES Act), she was deemed eligible for Pandemic Unemployment Assistance (PUA), the federally funded program created to help individuals whose employment has been adversely affected by COVID-19.

*This case illustrates that, under special circumstances, individuals who leave work for personal reasons and are not eligible for regular UI benefits, may be eligible for Pandemic Unemployment Assistance (PUA) if they can substantiate a valid Covid-related reason, under the CARES Act. All PUA benefits are federally funded and not charged to employers.*

For more information about Princeton Claims Management or unemployment insurance eligibility amid COVID-19 please contact *LuAnne Rooney Frascella* at 609.936.2207 or [lfrascella@njha.com](mailto:lfrascella@njha.com).