

STATE OF MINNESOTA
IN COURT OF APPEALS



In the Matter of: Hayat Muse.

ORDER
A20-1330

Considered and decided by Segal, Chief Judge; Hooten, Judge; and Smith, Tracy M., Judge.

BASED ON THE FILE, RECORD, AND PROCEEDINGS, AND FOR THE FOLLOWING REASONS:

Relator Hayat Muse, a high school student, filed this certiorari appeal on October 21, 2020, to challenge a decision by an unemployment-law judge (ULJ) determining relator ineligible for Pandemic Unemployment Assistance (PUA) benefits under the federal Coronavirus Aid, Relief, and Economic Security (CARES) Act, Pub. L. 116-136, 134 Stat. 281 (2020).

On October 22, 2020, relator and respondent Minnesota Department of Employment and Economic Development (DEED) filed a joint motion for expedited consideration of this appeal. Through the motion, the parties represent that: (1) relator was denied PUA benefits solely because she is a high school student; (2) this appeal raises the issue of whether high school students may be eligible for unemployment benefits under the PUA program; (3) DEED has issued determinations and appeal decisions determining that all secondary students applying for PUA benefits are ineligible for those benefits based on

Minn. Stat. § 268.085, subd. 2(3) (2018), which provides that applicants in attendance at or on vacation from secondary school are ineligible for regular unemployment benefits; (4) DEED has agreed that the court of appeals decision in this appeal will govern the issue of high-school-student eligibility for PUA benefits both retrospectively and prospectively; and (5) for eligible applicants, PUA benefits are available for weeks during the period of January 27, 2020, through December 2020, up to a maximum of 39 weeks. With respect to the need for expedited consideration, the motion stated: “Because it is not now known whether benefits will be available for applicants who have applied for benefits after December 31, 2020, even as to periods of unemployment occurring before that date, time is of the essence in getting a resolution of the issue.”

On October 27, 2020, this court granted the parties’ joint motion to expedite consideration of the appeal. The matter has been fully briefed and oral argument was held on December 1, 2020. In order to provide the parties with the earliest possible notice of this court’s decision, we will announce the decision of the court in this order, with a published opinion to follow. The forthcoming published opinion shall constitute this court’s final ruling.

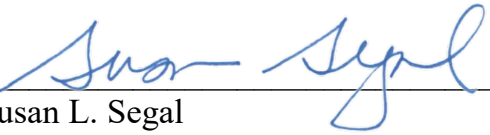
Based on our careful review of the parties submissions and arguments, and the relevant legal authorities, we hold that the ULJ erred by determining that relator is not a “covered individual” under section 2102(a)(3) of the CARES Act. We therefore reverse the ULJ’s decision determining relator ineligible for PUA benefits.

IT IS HEREBY ORDERED:

1. The ULJ's decision is reversed.
2. A published opinion will follow, setting forth this court's analysis of the issue in this case.

Dated: December 1, 2020

BY THE COURT



Susan L. Segal
Chief Judge