

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

ALISHA N. JONES
Claimant

HY-VEE INC
Employer

APPEAL 20A-UI-04650-ED-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 04/19/20
Claimant: Appellant (1)

Iowa Code § 96.4(3) – Able and Available

STATEMENT OF THE CASE:

Alisha Jones, claimant, filed a timely appeal from a May 20, 2020, (reference 01) unemployment insurance decision that denied unemployment benefits because Jones did not meet availability requirements. A telephone hearing was held June 11, 2020. The parties were properly notified of the hearing. Jones participated and was self-represented. Jones' day care provider, Joyce Wood, provided testimony. A representative from Hy-Vee Inc., Inc. did not participate in the hearing. Official notice was taken of the administrative file.

ISSUES:

Is the claimant available for and able to work?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Alisha Jones is a full-time scanning coordinator at Hy-Vee Inc., Inc. (Hy-Vee). She was hired in October 2003. Ms. Jones immediate supervisor is Brent Zacarias. Jones' last shift at Hy-Vee before leaving due to the pandemic was April 18, 2020. Jones contacted her supervisor, Brent Zacarias, and said she was not able to work that week because she did not have childcare when schools closed due to the COVID-19 pandemic. Because her childcare did not re-open, Jones was not able to return to work until May 19, 2020. Day care owner, Joyce Wood, testified that her day care was forced to shut down during the pandemic.

REASONING AND CONCLUSIONS OF LAW:

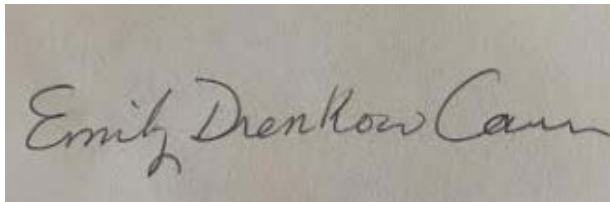
The May 20, 2020, (reference 01) unemployment insurance decision that found Jones ineligible for benefits is affirmed. An unemployed individual is only eligible for unemployment insurance benefits if the individual is able to and available for work. Iowa Code § 96.4(3); Iowa Admin. Code r. 871-24.22. Jones was not able and available for work from April 19 until May 19, 2020. Because of the COVID-19 pandemic, Jones had to stay home with her children and was unable to work at Hy-Vee. She was not available for work and was not eligible for regular, state funded unemployment insurance benefits during this time. Even though Jones was not eligible for regular unemployment insurance benefits under state law during this time, she likely is eligible

for federally funded unemployment insurance benefits under the Coronavirus Aid, Relief, and Economic Security Act ("Cares Act"), Public Law 116-136 during this time. Section 2102 of the CARES Act creates a new temporary federal program called Pandemic Unemployment Assistance (PUA) that generally provides up to 39 weeks of unemployment benefits. An individual receiving PUA benefits may also receive the \$600 weekly benefit amount (WBA) under the Federal Pandemic Unemployment Compensation (FPUC) program if she is eligible for such compensation for the week claimed. Jones has applied for PUA. I find Alisha Jones was not able and available to work after she left Hy-Vee on April 18, 2020. Because her availability was directly related to the COVID-19 pandemic, she likely is eligible for PUA. Jones's PUA is not a certified issue in this case.

DECISION:

The May 20, 2020, (reference 01) unemployment insurance decision is affirmed. Claimant was not able and available to work, and she is not eligible for benefits.

Note to Claimant: This decision determines you are not eligible for regular unemployment insurance benefits. If you disagree with this decision you may file an appeal to the Employment Appeal Board by following the instructions on the first page of this decision. Individuals who do not qualify for regular unemployment insurance benefits due to disqualifying separations, but who are currently unemployed for reasons related to COVID-19 may qualify for Pandemic Unemployment Assistance (PUA). You will need to apply for PUA to determine your eligibility under the program. Additional information on how to apply for PUA can be found at <https://www.iowaworkforcedevelopment.gov/pua-information>.

A photograph of a handwritten signature in black ink on a light-colored background. The signature reads "Emily Drenkow Carr" in a cursive script.

Emily Drenkow Carr
Administrative Law Judge

June 26, 2020
Decision Dated and Mailed

ed/scn