

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

ALEXIS CHAUVIN
Claimant

MOSAIC
Employer

APPEAL NO. 20A-UI-05977-B2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 04/05/20
Claimant: Appellant (1)

Iowa Admin. Code ch. 871 r. 24.23(10) – Leave of Absence
Iowa Code § 96.4-3 – Able and Available
Iowa Code § 96.3(7) – Recovery of Benefit Overpayment
Federal Law PL 116-136 Sec. 2104 – Eligibility for Federal Pandemic Unemployment Compensation

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated June 4, 2020 reference 02, which held claimant not able and available for work. After due notice, a hearing was scheduled for and held on July 17, 2020. Claimant participated personally.

ISSUES:

Whether claimant is able and available for work?

Whether claimant is on an approved leave of absence?

Whether claimant has been overpaid state unemployment benefits?

Whether claimant is eligible to receive Federal Pandemic Unemployment Compensation?

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant worked as a full time direct support associate until she went on maternity leave on January 27, 2020. Claimant was on maternity leave for the next eight weeks or so, until early April.

In early April, claimant spoke with employer about returning to work. Claimant and employer entered into an agreement that claimant would remain off from work for the next eight weeks as claimant had a very young child at home, and a return to work would entail claimant's being around client's who might have Covid, and then potentially passing it on to her young child. For the next eight weeks until early June 2020 claimant did not work.

At or around June 5, 2020 claimant returned to work, but she returned as an on call employee rather than to her full time position. This would allow claimant to retain her employment. The change in hours were agreed to between the parties.

Claimant has received state unemployment benefits in this matter of \$2,706.00. She received those benefits for the weeks ending April 11, 2020 through May 23, 2020.

Claimant has received Federal Pandemic Unemployment Compensation benefits in this matter of \$4,200.00.

REASONING AND CONCLUSIONS OF LAW:

Iowa Admin. Code r. 871-24.23(10) provides:

Availability disqualifications. The following are reasons for a claimant being disqualified for being unavailable for work.

(10) The claimant requested and was granted a leave of absence, such period is deemed to be a period of voluntary unemployment and shall be considered ineligible for benefits for such period.

Iowa Code section 96.4(3) provides:

An unemployed individual shall be eligible to receive benefits with respect to any week only if the department finds that:

3. The individual is able to work, is available for work, and is earnestly and actively seeking work. This subsection is waived if the individual is deemed partially unemployed, while employed at the individual's regular job, as defined in section 96.19, subsection 38, paragraph "b", unnumbered paragraph (1), or temporarily unemployed as defined in section 96.19, subsection 38, paragraph "c". The work search requirements of this subsection and the disqualification requirement for failure to apply for, or to accept suitable work of section 96.5, subsection 3 are waived if the individual is not disqualified for benefits under section 96.5, subsection 1, paragraph "h".

Iowa Admin. Code r. 871-24.22(1)a provides:

Benefits eligibility conditions. For an individual to be eligible to receive benefits the department must find that the individual is able to work, available for work, and earnestly and actively seeking work. The individual bears the burden of establishing that the individual is able to work, available for work, and earnestly and actively seeking work.

(1) Able to work. An individual must be physically and mentally able to work in some gainful employment, not necessarily in the individual's customary occupation, but which is engaged in by others as a means of livelihood.

a. Illness, injury or pregnancy. Each case is decided upon an individual basis, recognizing that various work opportunities present different physical requirements. A statement from a medical practitioner is considered prima facie evidence of the physical ability of the individual to perform the work required. A pregnant individual must meet the same criteria for determining ableness as do all other individuals.

Claimant is not eligible to receive regular unemployment benefits for the period of time between the week ending April 11, 2020 and June 5, 2020 as claimant and employer entered into an agreement that claimant would not be working for Covid related reasons. Benefits are denied for that period.

Claimant has received state unemployment benefits in this matter of \$2,706.00. Claimant has been overpaid these benefits.

Claimant has received Federal Pandemic Unemployment Compensation benefits in this matter of \$4,200.00. Claimant is not eligible to receive these benefits.

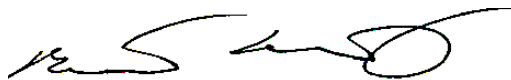
Note to Claimant: Even though claimant is not eligible for regular unemployment insurance benefits under state law, she may be eligible for federally funded unemployment insurance benefits under the Coronavirus Aid, Relief, and Economic Security Act ("Cares Act"), Public Law 116-136. Section 2102 of the CARES Act creates a new temporary federal program called Pandemic Unemployment Assistance (PUA) that in general 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 he or she is eligible for such compensation for the week claimed. **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>.

DECISION:

The decision of the representative dated June 4, 2020, reference 02 is affirmed. Claimant is not eligible to receive unemployment insurance benefits for the period between the original claim date of April 5, 2020 and June 5, 2020.

Claimant has received state unemployment benefits in this matter of \$2,706.00. Claimant has been overpaid these benefits.

Claimant has received Federal Pandemic Unemployment Compensation benefits in this matter of \$4,200.00. Claimant is not eligible to receive these benefits.



Blair A. Bennett
Administrative Law Judge

July 24, 2020
Decision Dated and Mailed

bab/scn