

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**JESSICA L KOENIGUER-LAW**  
Claimant

**DB&J ENTERPRISES INC**  
Employer

**APPEAL 20A-UI-05386-S1-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

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

Iowa Code § 96.4-3 – Able and Available  
871 IAC 24.23(10) – Voluntary Leave of Absence  
Iowa Code § 96.3-7 – Overpayment  
PL 116-136 Section 2104 (B) – Federal Pandemic Unemployment Compensation

**STATEMENT OF THE CASE:**

Jessica Koeniguer-Law (claimant) appealed a representative's May 28, 2020, decision (reference 01) that concluded she was not able and available for work with DB & J (employer) and ineligible for unemployment insurance benefits as of April 25, 2020. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on July 8, 2020. The claimant was represented by Cynthia Rybolt, Attorney at Law, and participated personally. The employer participated by Alison McAninch, Office Manager. The administrative law judge took official notice of the administrative file.

**ISSUE:**

The issue is whether the claimant is available for work whether the claimant was overpaid benefits, and whether the claimant is eligible for 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 that: The parties agree the claimant requested and was granted a leave of absence from work with the employer. The parties agree that the claimant was not able and available for work due to Covid-19 as of April 5, 2020. The claimant has applied for Pandemic Unemployment assistance.

The claimant filed for unemployment insurance benefits with an effective date of April 5, 2020. Her weekly benefit amount was determined to be \$240.00. The claimant received benefits of \$240.00 per week from April 5, 2020, to the week ending May 23, 2020. This is a total of \$1,680.00 in state unemployment insurance benefits. She also received \$4,200.00 in Federal Pandemic Unemployment Compensation for the seven-week period ending May 23, 2020.

**REASONING AND CONCLUSIONS OF LAW:**

The administrative law judge concludes the claimant is not eligible to receive unemployment insurance benefits.

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.

When employees request and are granted a leave of absence, they are considered to be voluntarily unemployed. The request may be from the worker or from a physician and delivered to the employer by the worker. The claimant requested and the employer granted the request. The claimant is considered to be voluntarily unemployed, or unavailable for work, during the period of the leave of absence and is not eligible to receive unemployment insurance benefits as of April 5, 2020.

The next issue is whether the claimant was overpaid unemployment insurance benefits.

Iowa Code section 96.3(7)a-b, as amended in 2008, provides:

7. Recovery of overpayment of benefits.

a. If an individual receives benefits for which the individual is subsequently determined to be ineligible, even though the individual acts in good faith and is not otherwise at fault, the benefits shall be recovered. The department in its discretion may recover the overpayment of benefits either by having a sum equal to the overpayment deducted from any future benefits payable to the individual or by having the individual pay to the department a sum equal to the overpayment.

The claimant has received \$1,680.00 in state unemployment insurance benefits. This was during the period of time the claimant has been determined to be ineligible to receive benefits. The claimant was overpaid state unemployment insurance benefits pursuant to Iowa Code section. If this decision becomes final or if you are not eligible for PUA, you may have an overpayment of benefits.

The final issue is whether the claimant is eligible for or overpaid Federal Pandemic Unemployment Compensation.

PL116-136, Sec. 2104 provides, in pertinent part:

(b) Provisions of Agreement

(1) Federal pandemic unemployment compensation.--Any agreement under this section shall provide that the State agency of the State will make payments of regular compensation to individuals in amounts and to the extent that they would be determined if the State law of the State were applied, with respect to any week for which the individual is (disregarding this section) otherwise entitled under the State law to receive regular compensation, as if such State law had been modified in a manner such that the

amount of regular compensation (including dependents' allowances) payable for any week shall be equal to

(A) the amount determined under the State law (before the application of this paragraph), plus

(B) an additional amount of \$600 (in this section referred to as "Federal Pandemic Unemployment Compensation").

....

(f) Fraud and Overpayments

(2) Repayment.-- In the case of individuals who have received amounts of Federal Pandemic Unemployment Compensation to which they were not entitled, the State shall require such individuals to repay the amounts of such Federal Pandemic Unemployment Compensation to the State agency...

In addition to the regular unemployment insurance benefits, the claimant received an additional \$4,200.00 in Federal Pandemic Unemployment Compensation. If this decision becomes final or if you are not eligible for PUA, you may have an overpayment of Federal Pandemic Unemployment Compensation.

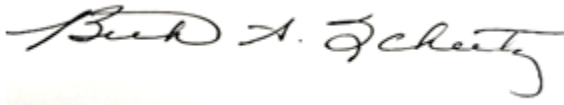
#### **DECISION:**

The representative's May 28, 2020, decision (reference 01) is affirmed. The claimant is considered to be unavailable for work and is not eligible to receive state unemployment insurance benefits from April 5, 2020

The claimant has received unemployment insurance benefits and Federal Pandemic Unemployment Compensation. This decision denies benefits. If this decision becomes final or if you are not eligible for PUA, you may have an overpayment of 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, 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>.

Should circumstances change and the disqualification can be removed, notification should be made to the local workforce development center.

A handwritten signature in black ink, reading "Beth A. Scheetz". The signature is written in a cursive style with a large, stylized 'B' and 'S'.

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Beth A. Scheetz  
Administrative Law Judge

July 16, 2020  
Decision Dated and Mailed

bas/sam