

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

68-0157 (9-06) - 3091078 - EI

KENNEDY M ADAMS
Claimant

APPEAL NO. 20A-UI-07957-B2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

IA VETERANS HOME - MARSHALLTOWN
Employer

OC: 04/19/20
Claimant: Respondent (2)

Iowa Admin. Code r. 871-24.23(26) – Part-Time Worker – Same Wages and Hours
Iowa Code § 96.4-3 – Able and Available
Iowa Code § 96.7(2)A(2) – Partial Benefits
Iowa Code § 96.19(38) – Total and Partial Unemployment
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:

Employer filed an appeal from a decision of a representative dated July 14, 2020, reference 02, which held claimant able and available for work. After due notice, a hearing was scheduled for and held on August 18, 2020. Claimant participated personally. Employer participated by hearing representative Barbara Buss and witness Melissa Sienknecht. Employer's Exhibit 1 was admitted into evidence

ISSUES:

Whether claimant is still employed at the same hours and wages?

Whether claimant is eligible to receive partial benefits?

Whether claimant is able and available for work?

Whether claimant has been overpaid state unemployment benefits?

Whether claimant is eligible to receive Federal Pandemic Unemployment Compensation?

FINDINGS OF FACT:

The claimant currently works for Iowa Veterans Home, a base period employer, part time under the same terms and conditions as contemplated in the original contract of hire.

In April, 2020 claimant informed employer that she was living with a person that was positive for Covid. At no time did claimant show symptoms of Covid. Following state guidelines, employer

told claimant that she needed to self quarantine for two weeks before returning to work. Claimant was off work from April 25, 2020 through May 7, 2020.

Claimant applied for unemployment benefits for the period of time when she was not working.

Claimant has received state unemployment benefits in this matter of \$584.00.

Claimant has received Federal Pandemic Unemployment Compensation benefits in this matter of \$1,800.00.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant is not temporarily unemployed.

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 Code section 96.19(38) provides:

"Total and partial unemployment".

a. An individual shall be deemed "totally unemployed" in any week with respect to which no wages are payable to the individual and during which the individual performs no services.

b. An individual shall be deemed partially unemployed in any week in which either of the following apply:

(1) While employed at the individual's then regular job, the individual works less than the regular full-time week and in which the individual earns less than the individual's weekly benefit amount plus fifteen dollars.

(2) The individual, having been separated from the individual's regular job, earns at odd jobs less than the individual's weekly benefit amount plus fifteen dollars.

c. An individual shall be deemed temporarily unemployed if for a period, verified by the department, not to exceed four consecutive weeks, the individual is unemployed due to a plant shutdown, vacation, inventory, lack of work or emergency from the individual's regular job or trade in which the individual worked full-time and will again work full-time,

if the individual's employment, although temporarily suspended, has not been terminated.

Because the claimant was in a situation where she was not able and available to work as a result of the governmental mandates for quarantining, claimant is not considered partially or temporarily unemployed. Benefits are denied.

Claimant has received state unemployment benefits in this matter of \$584.00. Said amount is an overpayment.

Claimant has received Federal Pandemic Unemployment Compensation benefits in this matter of \$1,800.00. Claimant is not eligible to receive this payment.

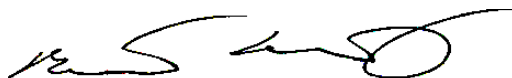
Note to Claimant: Even though claimant is not eligible for regular unemployment insurance benefits under state law, she may be eligible for federally funded unemployment insurance benefits under the Coronavirus Aid, Relief, and Economic Security Act ("Cares Act"), Public Law 116-136. Section 2102 of 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 July 14, 2020, reference 02, decision is reversed. The claimant is not partially or temporarily unemployed and benefits are denied.

Claimant has received state unemployment benefits in this matter of \$584.00. Said amount is an overpayment.

Claimant has received Federal Pandemic Unemployment Compensation benefits in this matter of \$1,800.00. Claimant is not eligible to receive this payment.



Blair A. Bennett
Administrative Law Judge

August 24, 2020
Decision Dated and Mailed

bab/scn