

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

JOSEPH G RECKER
Claimant

HR247 LLC
Employer

APPEAL 20A-UI-08454-S1-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 04/12/20
Claimant: Appellant (1/R)

Iowa Code § 96.4-3 – Able and Available
871 IAC 24.23(10) – Voluntary Leave of Absence

STATEMENT OF THE CASE:

Joseph Recker (claimant) appealed a representative's July 9, 2020, decision (reference 01) that concluded ineligibility to receive unemployment insurance benefits because he requested and was granted a leave of absence with HR247 (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on August 28, 2020. The claimant participated personally. The employer participated by Carol Engelken, General Manager; Rebecca Thomas, Human Resources Specialist; and Tracy Cota, Production Manager.

The employer offered and Exhibit One was received into evidence. The administrative law judge took official notice of the administrative file.

ISSUES:

The issue is whether the claimant is available for work and whether the claimant was on an approved leave of absence.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant was hired on October 21, 2019, as a part-time order checker. The claimant notified the employer he was going to quarantine from April 9, 2020, through April 14, 2020, due to a possible exposure to Covid-19. The employer allowed the claimant a leave of absence.

The claimant returned to work on April 15, 2020. He did not appear for his scheduled shifts on April 29, and April 30, 2020. On April 30, 2020, the employer telephoned the claimant. The claimant said his family had concerns about his returning to work in light of Covid-19. The employer told the claimant he could call for work in the fall during the busy season.

On July 14, 2020, the employer talked with the claimant again. The claimant said his unemployment insurance benefits were denied and he was not interested in the work the

employer offered him. He was working for his father and going to college in the fall. Continued work was available for the claimant but he did not return to work after April 15 2020.

The claimant filed for unemployment insurance benefits with an effective date of April 12, 2020. His weekly benefit amount was determined to be \$175.00. The claimant received benefits from April 12, 2020, to the week ending June 27, 2020. This is a total of \$1,815.00 in state unemployment insurance benefits after the separation from employment. He also received \$6,600.00 in Federal Pandemic Unemployment Compensation for the eleven-week period ending June 27, 2020.

REASONING AND CONCLUSIONS OF LAW:

Iowa Admin. Code r. 871-24.23(10) and (16) provide:

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.

(16) Where availability for work is unduly limited because a claimant is not willing to work during the hours in which suitable work for the claimant is available.

When employees request and are granted time off, they are considered to be unavailable for work. When employees request and are granted a leave of absence, they are considered to be voluntarily unemployed. The claimant requested a leave of absence from April 9, 2020 through April 14, 2020, to quarantine and the employer granted the request. After April 15, 2020, the claimant did not wish to take hours due to Covid-19 and he was working for his father. The claimant is considered to be voluntarily unemployed, or unavailable for work, during the period of the leave of absence and while he was limiting his hours. He is not eligible to receive unemployment insurance benefits from April 12, 2020.

Even though the claimant is not eligible for regular unemployment insurance benefits under state law, he 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. The claimant must apply for PUA, as noted in the instructions provided in the "Note to Claimant" below.

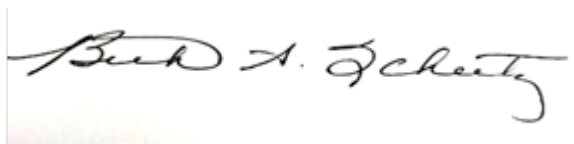
The issue of whether claimant has been overpaid unemployment insurance benefits and Federal Pandemic Unemployment Compensation is remanded to the Benefits Bureau of Iowa Workforce Development for an initial investigation and decision.

DECISION:

The representative's July 9, 2020, decision (reference 01) is affirmed. The claimant is considered to be unavailable for work and is not eligible to receive unemployment insurance benefits from April 12, 2020

The issue of whether claimant has been overpaid unemployment insurance benefits and Federal Pandemic Unemployment Compensation is remanded to the Benefits Bureau of Iowa Workforce Development for an initial investigation and decision.

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>.



Beth A. Scheetz
Administrative Law Judge

August 31, 2020
Decision Dated and Mailed

bas/scn