

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

BILLY S KUNTZ

Claimant

APPEAL NO. 20A-UI-04130-B2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

SOLAR PLASTICS LLC

Employer

OC: 03/29/20

Claimant: Appellant (2)

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:

Claimant filed an appeal from a decision of a representative dated May 12, 2020, reference 01, which held claimant able and available for work. After due notice, a hearing was scheduled for and held on June 2, 2020. Claimant participated personally. Employer participated by Carrie Lantz. Claimant failed to respond to the hearing notice and did not participate. Employer's Exhibits 1-3 were admitted into evidence

ISSUES:

Whether claimant is able and available for work?

Whether claimant has been overpaid benefits?

Whether claimant is eligible for Federal Pandemic Unemployment Compensation?

FINDINGS OF FACT:

The claimant currently works for Solar Plastics under the same terms and conditions as contemplated in the original contract of hire. On March 23, 2020 claimant asked for and received a leave of absence, as he was concerned about potential Covid infections. On April 13, 2020, claimant was granted Emergency Paid Sick Leave to last from 4-13, 2020 to 4-24, 2020.

Claimant has received no state or federal unemployment benefits in this matter.

REASONING AND CONCLUSIONS OF LAW:

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:

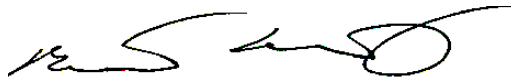
3. The individual is able to work, is available for work, and is earnestly and actively seeking work. This subsection is waived if the individual is deemed partially unemployed, while employed at the individual's regular job, as defined in section 96.19, subsection 38, paragraph "b", unnumbered paragraph (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".

Claimant's absence needs to be divided into two different parts. Initially the claimant asked for and received time off although he had no medical support for his requested time off. This lasted from March 23, 2020 until April 12, 2020. For this period, claimant was not able and available for work although there was work available for him. For the time between April 13-24, 2020, claimant was on Emergency Paid Sick Leave. As claimant was receiving pay during this period, he is not eligible for unemployment 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 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>.

DECISION:

The May 12, 2020, reference 01, decision is reversed. The claimant is not eligible to receive unemployment benefits during the period between March 23 through April 24, 2020.



Blair A. Bennett
Administrative Law Judge

June 19, 2020
Decision Dated and Mailed

bab/scn