

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**MARA CAMPBELL**  
Claimant

**TODD R HOEPPNER DDS PC**  
Employer

**APPEAL 20A-UI-09335-CL-T**  
**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 03/15/20**  
**Claimant: Appellant (4)**

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Iowa Code § 96.4(3) – Ability to and Availability for Work  
Iowa Admin. Code r. 871-24.23(10) – Able & Available – Availability Disqualifications

**STATEMENT OF THE CASE:**

On August 5, 2020, the employer filed an appeal from the August 3, 2020, (reference 02) unemployment insurance decision that allowed benefits. The parties were properly notified about the hearing. A telephone hearing was held on September 22, 2020. Claimant participated. Employer participated through office manager Renee Hoepfner. Employer's Exhibits A and B were admitted into the record.

**ISSUES:**

Is the claimant able to and available for work?  
Is the claimant on a voluntary leave of absence?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant began working for employer on February 10, 2020. Claimant last worked as a full-time dental assistant trainee. Claimant's last day of work was March 16, 2020.

In March 2020, the United States declared a public health emergency due to the COVID 19 pandemic. On March 18, 2020, employer closed due to the pandemic.

On May 11, 2020, employer brought employees back to train on new safety protocols. Employer reopened on May 13, 2020. Employer had a full-time position available for claimant at that time, but claimant requested a leave of absence due to the risk of developing complications if she contracted COVID 19 as she is currently pregnant.

Both parties consider claimant to still be unemployed and on an unpaid leave of absence. Claimant plans to return to work six weeks after having her baby. Claimant's baby is due on October 16, 2020.

## 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".

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.

Here, claimant was unemployed from March 15, 2020, through May 9, 2020, through no fault of her own. Claimant was on a temporary layoff due to employer's closure and is allowed benefits during that time period.

From May 10, 2020, going forward, claimant was on a leave of absence due to her risk of developing complications if she contracted COVID 19. Claimant has not established she is able to and available for work effective May 10, 2020, even under the United States Department of Labor's guidance to flexibly interpret this requirement. See Unemployment Insurance Program Letter No. 10-20. Therefore, claimant is not eligible for regular, state-funded unemployment insurance benefits effective May 10, 2020.

Even though claimant is not eligible for regular unemployment insurance benefits under state law effective May 10, 2020, the claimant 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.

**DECISION:**

The August 3, 2020, (reference 02) unemployment insurance decision is modified in favor of employer. The claimant was temporarily laid off and is allowed benefits up until May 9, 2020. The claimant is not available for work effective May 10, 2020, and regular, state-funded unemployment insurance benefits are denied after that point. Claimant may be eligible for Pandemic Unemployment Assistance after May 10, 2020, but will need to apply for those benefits as instructed below.



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Christine A. Louis  
Administrative Law Judge  
Unemployment Insurance Appeals Bureau  
1000 East Grand Avenue  
Des Moines, Iowa 50319-0209  
Fax (515)478-3528

September 24, 2020  
Decision Dated and Mailed

cal/mh

**NOTE TO CLAIMANT:**

- This decision determines you are not eligible for regular unemployment insurance benefits under state law. 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.
- If you do not qualify for regular unemployment insurance benefits under state law and are currently unemployed for reasons related to COVID-19, you may qualify for Pandemic Unemployment Assistance (PUA). **You will need to apply for PUA to determine your eligibility under the program.** For more information on how to apply for PUA, go to <https://www.iowaworkforcedevelopment.gov/pua-information>. **If you do not apply for and are not approved for PUA, you may be required to repay the benefits you've received so far.**