

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

ZOULEA ALASSANI
Claimant

WEST LIBERTY FOODS LLC
Employer

APPEAL NO. 20A-UI-07113-B2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 04/26/20
Claimant: Appellant (1)

Iowa Code § 96.4-3 – Able and Available

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated June 24, 2020 reference 02, which held claimant not able and available for work. After due notice, a hearing was scheduled for and held on August 4, 2020. Claimant participated personally and with witness Kalatina Camno. Employer participated by Karen Goldensoph.

ISSUE:

The issue in this matter is whether claimant is able and available for work.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant was hired by employer on February 19, 2018, and worked for over 2 years full time in distribution.

Claimant went on a leave from April 17, 2020 through June 25, 2020. Claimant was to return to work on June 25, 2020 but did not return to work, as babysitters were not willing to watch claimant's newborn child because claimant had recently recovered from Covid around the time of the childbirth. Claimant did not return to work until July 15, 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".

The claimant has not established the ability to work for the time period between June 24, 2020 and July 15, 2020, as she was home with her newborn child. Benefits are withheld for that period of time.

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 decision of the representative dated June 24, 2020, reference 02 is affirmed. Claimant is not eligible to receive unemployment insurance benefits, between the dates of June 24, 2020 and July 15, 2020.



Blair A. Bennett
Administrative Law Judge

August 11, 2020
Decision Dated and Mailed

bab/sam