

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**TEGGY J LYONS**  
Claimant

**APPEAL NO. 20A-UI-07954-B2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**A PLUS DESIGNS INC**  
Employer

**OC: 03/22/20**  
**Claimant: Respondent (2R)**

Iowa Code § 96.5-3-a – Work Refusal  
Iowa Code § 96.3(7) – Recovery of Benefit Overpayment

**STATEMENT OF THE CASE:**

Employer filed an appeal from a decision of a representative dated July 14, 2020, reference 01, which held claimant eligible for unemployment insurance benefits due to a refusal to accept work. After due notice, a telephone conference hearing was scheduled for and held on August 18, 2020. Claimant participated personally and with non-attorney representative Jon Geyer. Employer participated by Amy Northrup and Phyllis Berry. Claimant's Exhibits A-H were admitted into evidence.

**ISSUE:**

The issue in this matter is whether claimant refused to accept a suitable offer of work.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant worked as a full time office manager for employer. When the Covid started affecting people, claimant had great health concerns, as she was high risk with many health problems. Claimant requested that she be allowed to work from home. Employer explained that claimant's job was not able to be done from home. Claimant was offered the possibility of doing her job with an additional \$2.00 / hr from the office, or a reduction in her pay of 25 percent to perform another job from her home.

Claimant wrote to employer on April 3, 2020 stating that, "I'll be taking medical leave." Claimant did not provide any medical documentation in support of her request to work from home. Employer did allow claimant and others to work from home, and had work – different than what they had been doing at the office – that they could do from home at a different level of pay.

Claimant has received state unemployment benefits in this matter of \$6,460.00.

Claimant has received Federal Pandemic Unemployment Compensation benefits in this matter of \$10,200.00.

## 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.

On April 3, 2020 the claimant asked for medical leave. Employer granted that leave. As such, claimant is not eligible for benefits until such time that she asks to be placed back into her regular position and provides documentation to support her ability to return to work in that position.

*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 July 14, 2020, reference 01 is reversed. Unemployment insurance benefits shall be withheld until claimant has established that she is able and available for work.

This matter will be remanded to the benefits bureau for further determination as to whether claimant has been overpaid unemployment benefits.



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Blair A. Bennett  
Administrative Law Judge

September 18, 2020  
Decision Dated and Mailed

bab/sam