

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

GABRIEL D GOODRICK
Claimant

ALUMINUM CO OF AMERICA
Employer

APPEAL NO. 20A-UI-06446-B2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

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

Iowa Admin. Code ch. 871 r. 24.23(10) – Leave of Absence
Iowa Code § 96.4-3 – Able and Available

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated June 15, 2020 reference 01, which held claimant not able and available for work. After due notice, a hearing was scheduled for and held on July 23, 2020. Claimant participated personally. Employer failed to respond to the hearing notice and did not participate.

ISSUE:

Whether claimant is able and available for work?

Whether claimant is 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: Claimant is currently employed as a full time equipment operator for employer.

On April 17, 2020 claimant asked employer for a leave of absence for the time period between April 20, 2020 and June 1, 2020. He requested the personal leave such that he could provide child care for his child that was no longer in school as a result of the Covid pandemic. The request for leave was approved by employer, and claimant was on leave from April 20-June 1, 2020.

REASONING AND CONCLUSIONS OF LAW:

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.

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 period between April 20, 2020 and June 1, 2020. Benefits are denied.

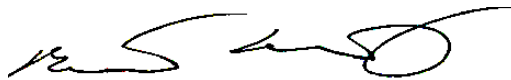
Note to Claimant: Even though claimant is not eligible for regular unemployment insurance benefits under state law, he may be eligible for federally funded unemployment insurance benefits under the Coronavirus Aid, Relief, and Economic Security Act ("Cares Act"), Public Law 116-136. Section 2102 of the 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. **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>.

It appears that claimant has already applied for this program. The administrative law judge is remanding this matter to the benefits bureau to determine whether claimant has received unemployment benefits in this matter and whether those benefits should be offset by PUA benefits, if they are granted to claimant.

DECISION:

The decision of the representative dated June 15, 2020, reference 01 is affirmed. Claimant is not eligible to receive unemployment insurance benefits, between April 20, 2020 and June 1, 2020.

The administrative law judge is remanding this matter to the benefits bureau to determine whether claimant has received unemployment benefits in this matter and whether those benefits should be offset by PUA benefits, if they are granted to claimant.



Blair A. Bennett
Administrative Law Judge

July 29, 2020
Decision Dated and Mailed

bab/scn