

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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**NANCY J HUMBLER**  
Claimant

**FEDEX GROUND PACKAGE SYSTEM INC**  
Employer

**APPEAL 20A-UI-06878-AD-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 03/29/20**  
**Claimant: Respondent (2R)**

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Iowa Admin. Code r. 871-24.23(10) – Voluntary Leave of Absence  
Iowa Code § 96.4(3) – Ability to and Availability for Work

**STATEMENT OF THE CASE:**

On June 18, 2020, FedEx Ground Package System Inc. (employer/appellant) filed an appeal from the June 8, 2020 (reference 01) unemployment insurance decision that allowed benefits.

A telephone hearing was held on July 30, 2020. The parties were properly notified of the hearing. Nancy Humbles (claimant/respondent) participated personally. Employer participated by Area Manager Kirk Shobrock.

**ISSUES:**

Is the claimant able to and available for work?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds:

Claimant works for employer as a part-time package handler. Claimant's first day of employment was July 25, 2017. Claimant is still employed by employer. The last day claimant worked on the job was April 4, 2020. At that time, claimant requested and was granted a leave of absence due to the pandemic. Claimant and her husband are both older and have health conditions which make them particularly susceptible to the pandemic. She has been granted a leave of absence through at least August 5, 2020. She has not been paid during that time.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the June 8, 2020 (reference 01) unemployment insurance decision that allowed benefits is REVERSED. Claimant is not eligible for benefits from the benefit week ending April 11, 2020, as she is not available for work from that date.

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.

Claimant requested and was granted a leave of absence beginning April 5, 2020, and continuing through at least August 5, 2020. Claimant is not available for work during this time and as such is ineligible for benefits.

**The administrative law judge wishes to note that while this decision denies regular, state benefits, claimant may well be eligible for Pandemic Unemployment Assistance (PUA). Further information on PUA and how to apply is below.**

**DECISION:**

The June 8, 2020 (reference 01) unemployment insurance decision that allowed benefits is REVERSED. Claimant is not eligible for benefits from the benefit week ending April 11, 2020, as she is not available for work from that date.

**REMAND:**

The issue of a potential overpayment of benefits is remanded to the Benefits Bureau of IWD for an initial investigation and decision.



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

August 4, 2020  
Decision Dated and Mailed

abd/scn

***Note to Claimant:***

If you disagree with this decision, you may file an appeal with the Employment Appeal Board by following the instructions on the first page of this decision. If this decision denies benefits, you may be responsible for paying back benefits already received.

Individuals who are disqualified from or are otherwise ineligible for **regular** unemployment insurance benefits but who are currently unemployed for reasons related to COVID-19 may qualify for Pandemic Unemployment Assistance (PUA). **You will need to apply for PUA to determine your eligibility.** Additional information on how to apply for PUA can be found at <https://www.iowaworkforcedevelopment.gov/pua-information>.