

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

SAMOEUN CHHOUK
Claimant

APPEAL NO. 20A-UI-13473-B2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

CATHOLIC HEALTH INITIATIVES -IOWA
Employer

OC: 05/03/20
Claimant: Appellant (1)

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 October 21, 2020 reference 01, which held claimant not able and available for work. After due notice, a hearing was scheduled for and held on December 28, 2020. Claimant participated personally and with witnesses Prohos Buttrey and Try Tuon. Employer failed to respond to the hearing notice and did not participate. Interpretive services were provided by CTS Language Link.

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 works full time for employer. On or around March 23, 2020 claimant asked for and received a leave of absence from employer as claimant is elderly and has a variety of medical problems which put her at high risk should she contract the Covid. Claimant presented a doctor's note to employer indicating that claimant would be better served should she be off from work. Claimant remained off from work until June 13, 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 March 23, 2020 and June 13, 2020. Benefits are denied for this period. Claimant was working after this period of time and is not eligible for benefits.

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 October 21, 2020, reference 01 is affirmed. Claimant is not eligible to receive regular unemployment insurance benefits, effective March 23, 2020.



Blair A. Bennett
Administrative Law Judge

January 14, 2021
Decision Dated and Mailed

bab/mh