

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

ERIN COLEMAN
Claimant

KWIK TRIP INC
Employer

APPEAL 20A-UI-05813-S1-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 03/29/20
Claimant: Appellant (1)

Iowa Code § 96.4(3) – Ability to and Availability for Work
871 IAC 24.23(10) – Voluntary Leave of Absence
Iowa Code § 96.3-7 – Overpayment
PL 116-136 Section 2104 (B) – Federal Pandemic Unemployment Compensation

STATEMENT OF THE CASE:

Erin Coleman (claimant) appealed a representative's June 4, 2020, decision (reference 01) that concluded ineligibility to receive unemployment insurance benefits as of March 29, 2020, because a leave of absence was granted by Kwik Trip (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on July 8, 2020. The claimant participated personally. The employer participated by Sabrina Wohlford, Store Leader. The administrative law judge took official notice of the administrative file.

ISSUE:

The issue is whether the claimant is available for work whether the claimant was overpaid benefits, and whether the claimant is eligible for Federal Pandemic Unemployment Compensation.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant worked for the employer from November 20, 2018, to the present as a full-time food service leader. The claimant did not perform services from April 3, 2020, through April 26, 2020. She was told to quarantine from April 3, 2020, through April 20, 2020, because the person she lived with tested positive for Covid-19. From April 21, 2020, to April 26, 2020, the claimant did not have childcare. During the claimant's absence, the employer considered the claimant to be employed and on a leave of absence. Continued work was available for the claimant had she not been told to quarantine and had childcare.

REASONING AND CONCLUSIONS OF LAW:

The administrative law judge concludes the claimant is not eligible to receive unemployment insurance benefits.

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.

When employees request and are granted a leave of absence, they are considered to be voluntarily unemployed. The request may be from the worker or from a physician and delivered to the employer by the worker. The claimant requested a medical leave of absence and a leave based on lack of childcare. The employer granted both requests. The claimant is considered to be voluntarily unemployed, or unavailable for work, during the period of the leave of absence and is not eligible to receive unemployment insurance benefits from March 29, 2020.

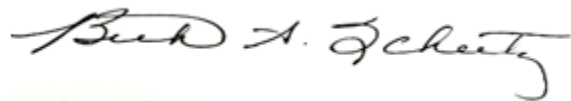
The claimant has been disqualified from receiving regular unemployment insurance benefits. The claimant has received Federal Pandemic Unemployment Compensation. If this decision becomes final or if you are not eligible for PUA, you may have an overpayment of benefits.

DECISION:

The representative's June 4, 2020, decision (reference 01) is affirmed. The claimant is considered to be unavailable for work and is not eligible to receive unemployment insurance benefits from March 29, 2020.

The claimant has received unemployment insurance benefits and Federal Pandemic Unemployment Compensation. This decision denies benefits. If this decision becomes final or if you are not eligible for PUA, you may have an overpayment of benefits.

Note to Claimant: This decision determines you are not eligible for regular unemployment insurance benefits. If you disagree with this decision you may file an appeal to the Employment Appeal Board by following the instructions on the first page of this decision. Individuals who do not qualify 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 under the program.** Additional information on how to apply for PUA can be found at <https://www.iowaworkforcedevelopment.gov/pua-information>.



Beth A. Scheetz
Administrative Law Judge

July 16, 2020
Decision Dated and Mailed

bas/sam