

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

DANA R COOK
Claimant

AL'S CORNER OIL CO
Employer

APPEAL 20A-UI-06868-S1-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 04/19/20
Claimant: Appellant (1)

Iowa Code § 96.4-3 – Able and Available

STATEMENT OF THE CASE:

Dana Cook (claimant) appealed a representative's June 15, 2020, decision (reference 01) that concluded ineligibility to receive unemployment insurance benefits from April 19, 2020, through May 23, 2020, because of inability to work for Al's Corner Oil (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on July 30, 2020. The claimant participated personally. The employer participated by Cindy Tiefenthaler, Officer Manager. The administrative law judge took official notice of the administrative file.

ISSUE:

The issue is whether the claimant was able and available for work from April 19, 2020, through May 23, 2020.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant was hired on August 11, 2019, as a part-time deli worker. The claimant completed paperwork to take a leave of absence starting on March 31, 2020. He took the leave because of Covid-19 and his medical conditions.

On May 11, 2020, his physician wrote him a note saying he could not work until further notice. The supervisor did not see the note and called the claimant to inquire if he wanted to return to work. The claimant worked on May 25, 29, 30, and June 1, 2020, against doctor's orders. He quit work because he could not work with his medical conditions. Continued work was available had the claimant not resigned.

The claimant filed for unemployment insurance benefits with an effective date of April 19, 2020. His weekly benefit amount was determined to be \$318.00. The claimant received no state unemployment insurance benefits or Federal Pandemic Unemployment Compensation after April 19, 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.

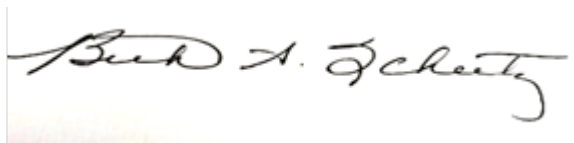
When employees request and are granted a leave of absence, they are considered to be voluntarily unemployed. The claimant requested a medical leave of absence and the employer granted the request. The claimant is considered to be voluntarily unemployed, or unavailable for work, during the period of the medical leave of absence and is not eligible to receive unemployment insurance benefits from April 19, 2020, to May 23, 2020.

Even though the 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. The claimant must apply for PUA, as noted in the instructions provided in the "Note to Claimant" below.

DECISION:

The representative's June 15, 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 April 19, 2020, to May 23, 2020.

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 due to disqualifying separations, 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>.

A handwritten signature in black ink, reading "Beth A. Scheetz", is positioned above a horizontal line.

Beth A. Scheetz
Administrative Law Judge

August 4, 2020
Decision Dated and Mailed

bas/scn