

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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**TRAVIS R STAINBROOK**  
Claimant

**MASTERBRAND CABINETS INC**  
Employer

**APPEAL NO. 20A-UI-05320-B2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

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

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Iowa Admin. Code ch. 871 r. 24.23(10) – Leave of Absence  
Iowa Code § 96.4-3 – Able and Available  
Iowa Code § 96.3(7) – Recovery of Benefit Overpayment  
Federal Law PL 116-136 Sec. 2104 – Eligibility for Federal Pandemic Unemployment Compensation

**STATEMENT OF THE CASE:**

Claimant filed an appeal from a decision of a representative dated June 2, 2020 reference 01, which held claimant not able and available for work. After due notice, a hearing was scheduled for and held on July 7, 2020. Claimant participated personally. Employer failed to respond to the hearing notice and did not participate.

**ISSUES:**

Whether claimant is able and available for work?

Whether claimant is on an approved leave of absence?

Whether claimant has been overpaid state unemployment benefits?

Whether claimant is eligible to receive 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: Claimant has been a full time machinist working for employer for twenty years. Claimant had concerns when Covid started spreading through society as claimant is at high risk as a result of medical concerns. Claimant realized that employer did not practice distancing and did not have ppe for its employees. Claimant went through employer's human resources department, and was eventually able to provide them with the necessary medical documentation to allow him to take a leave of absence.

Claimant's leave of absence extended from April 2, 2020 through June 1, 2020. Claimant presented employer with medical documentation allowing him to return to work with no special restrictions on June 1, 2020.

Claimant has received state unemployment benefits in this matter of \$3,360.00.

Claimant has received Federal Pandemic Unemployment Compensation benefits in this matter of \$4,200.00.

**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".

Iowa Admin. Code r. 871-24.22(1)a provides:

Benefits eligibility conditions. For an individual to be eligible to receive benefits the department must find that the individual is able to work, available for work, and earnestly and actively seeking work. The individual bears the burden of establishing that the individual is able to work, available for work, and earnestly and actively seeking work.

(1) Able to work. An individual must be physically and mentally able to work in some gainful employment, not necessarily in the individual's customary occupation, but which is engaged in by others as a means of livelihood.

a. Illness, injury or pregnancy. Each case is decided upon an individual basis, recognizing that various work opportunities present different physical requirements. A statement from a medical practitioner is considered prima facie evidence of the physical ability of the individual to perform the work required. A pregnant individual must meet the same criteria for determining ableness as do all other individuals.

Iowa Admin. Code r. 871-24.23(35) provides:

Availability disqualifications. The following are reasons for a claimant being disqualified for being unavailable for work.

(35) Where the claimant is not able to work and is under the care of a medical practitioner and has not been released as being able to work.

Inasmuch as the illness was not work-related and the treating physician had not released the claimant to return to work, the claimant has not established the ability to work between the days of April 2, through June 1, 2020. Benefits are during this time period.

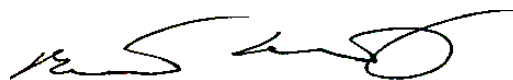
Claimant has received state unemployment benefits in this matter of \$3,360.00. Said payments are overpayments.

Claimant has received Federal Pandemic Unemployment Compensation benefits in this matter of \$4,200.00. Claimant is not eligible to receive these benefits through their attachment to state unemployment 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 due to disqualifying separations 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>. If claimant is found to be eligible for PUA benefits, he will be eligible for CARES Act benefits for the same period of time.

**DECISION:**

The decision of the representative dated June 2, 2020, reference 01 is affirmed. Claimant is not eligible to receive unemployment insurance benefits, effective April 2, 2020 through June 1, 2020.



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Blair A. Bennett  
Administrative Law Judge

July 14, 2020  
Decision Dated and Mailed

bab/scn