

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

BRITTNEY BARNETT
Claimant

PILOT TRAVEL CENTERS LLC
Employer

APPEAL 20A-UI-06488-AD-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 04/12/20
Claimant: Respondent (2R)

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, Pilot Travel Centers LLC (employer/appellant) filed an appeal from the June 12, 2020 (reference 03) unemployment insurance decision that allowed benefits.

A telephone hearing was held on July 23, 2020. The parties were properly notified of the hearing. Brittney Barnett (claimant/respondent) did not register a number for the hearing and did not participate. Employer participated by General Manager Gabe Greco.

Employer's Exhibits 1 and 2 were admitted. Official notice was taken of the administrative record.

ISSUES:

Is the claimant totally, partially, or temporarily unemployed?

Is the claimant able to and available for work?

Is claimant still employed at the same wages and hours? Is the employer's account subject to charge?

FINDINGS OF FACT:

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

Claimant works for employer as a full-time baker/cashier. Claimant began employment with employer in the summer of 2019. Claimant is still employed there. The last day claimant worked on the job was April 12, 2020. Claimant's immediate supervisor was Greco. Claimant requested a leave of absence beginning April 13, 2020 due to the pandemic. Claimant is still on the leave of absence.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the June 12, 2020 (reference 03) unemployment insurance decision that allowed benefits is REVERSED.

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 is on a voluntary leave of absence beginning April 13, 2020. Claimant is not considered available for work during this voluntary period of unemployment and as such is not eligible for benefits.

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

DECISION:

The June 12, 2020 (reference 03) unemployment insurance decision that allowed benefits is REVERSED. Claimant is not eligible for benefits effective April 13, 2020, as she has been on a voluntary leave of absence since that time.

REMAND:

The issue of a potential overpayment of benefits is remanded to the Benefits Bureau for a fact-finding interview and decision.



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

July 29, 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>.