## BEFORE THE EMPLOYMENT APPEAL BOARD Lucas State Office Building, 4<sup>TH</sup> Floor Des Moines, Iowa 50319 eab.iowa.gov

COLLEEN S MCGINNIS	
	: HEARING NUMBER: 22B-UI-07356
Claimant	:
	:
and	: EMPLOYMENT APPEAL BOARD
	: DECISION
WALMART ASSOCIATES	:
	:
Employer	:

## NOTICE

**THIS DECISION BECOMES FINAL** unless (1) a **request for a REHEARING** is filed with the Employment Appeal Board within **20 days** of the date of the Board's decision or, (2) a **PETITION TO DISTRICT COURT** IS FILED WITHIN **30 days** of the date of the Board's decision.

A **REHEARING REQUEST** shall state the specific grounds and relief sought. If the rehearing request is denied, a petition may be filed in **DISTRICT COURT** within **30 days** of the date of the denial.

**SECTION:** 96.4-3, 96.6-2

## DECISION

The Claimant appealed this case to the Employment Appeal Board. Two members of the Employment Appeal Board reviewed the entire record. The Appeal Board finds the administrative law judge's decision is correct. The administrative law judge's Findings of Fact and Reasoning and Conclusions of Law are adopted by the Board as its own. The administrative law judge's decision is **AFFIRMED**.

We point out to the Claimant that although the Claimant is denied benefits under state unemployment law, **this does not bar receipt of certain special pandemic related benefits**. In fact, being ineligible from state unemployment benefits is a prerequisite to some of these benefits. Of particular interest to the Claimant is Pandemic Unemployment Assistance [PUA]. That law provides benefits to persons who are unavailable for work due to certain pandemic related reasons, or who lost work as a direct result of the Pandemic. The federal Department of Labor has instructed that **eligible persons would include**:

f. The individual is unable to reach the place of employment because the individual has been advised by a health care provider to self-quarantine due to concerns related to COVID-19
UIPL 16-20, Attachment 1.
(https://wdr.doleta.gov/directives/attach/UIPL/UIPL 16-20 Attachment 1.pdf).

In most cases, federal law requires all PUA claims to be backdated. The upshot is that if Claimant can make the necessary PUA showing, Claimant may very well be eligible for PUA for any qualifying week. **Our ruling today is no bar to PUA.** 

Notably today we have made a decision that denies regular unemployment, but allows regular benefits once the Claimant offers to return to work, but is rejected. 871 IAC 24.22(2)(j)(1) ('If at the end of a period or term of negotiated leave of absence the employer fails to reemploy the employee-individual, the individual is considered laid off and eligible for benefits.'). This means if the Claimant can get PUA the Claimant would receive the PUA benefit so long as the Claimant is unavailable because on a leave of absence for COVID reasons. Claimant might then receive regular state benefits if Claimant returns and offers services once that COVID leave ends but Claimant is not rehired. The Employer should note it can avoid charges by bringing the Claimant back to work at the end of the COVID leave.

Should the Claimant wish to apply for PUA, she must do so within 21 days of the date of this decision. Information on how to do so is found at:

https://www.iowaworkforcedevelopment.gov/pandemic-unemployment-assistance-proof-earningssubmission

James M. Strohman

Ashley R. Koopmans

AMG/fnv