



It is further our understanding that federal law requires all PUA claims to be backdated to as early as February 8, depending on when the applicant's CVOID-related unavailability or job loss began. 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, and then receive regular state benefits if Claimant returns and offers services once that COVID leave ends but 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.

The information we have access to indicates the Claimant has a pending claim for PUA. In general Claimants have a right to appeal PUA determinations. That appeal process, however, is not the same as this case. If the Claimant should be denied PUA, or denied backdating, in whole or in part, and the Claimant wish to appeal PUA, or reapply with different proof, then the Claimant should do so following the guidance from IWD. This decision we issue today does not decide the PUA issue. This means, of course, that even though our decision today says benefits are denied, this is for regular benefits and does **not** change the Claimant's ability to collect PUA.

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Ashley R. Koopmans

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James M. Strohman

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Myron R. Linn

RRA/fnv