

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**PRISCILLA LIARMIE**  
Claimant

**MIDWEST JANITORIAL SERVICE INC**  
Employer

**APPEAL 21A-UI-06693-DZ-T**  
**ADMINISTRATIVE LAW JUDGE  
DECISION**

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

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Iowa Code § 96.4(3) – Able to and Available for Work  
Iowa Admin. Code r. 871-24.23(10) – Leave of Absence

**STATEMENT OF THE CASE:**

Priscilla Liarmie, the claimant/appellant, filed an appeal from the February 25, 2021, (reference 06) unemployment insurance decision that denied benefits. The parties were properly notified about the hearing. A telephone hearing was held on May 12, 2021. Ms. Liarmie participated and testified. Pauline Weah, Ms. Liarmie's daughter, participated on her behalf. The employer participated through Erin Decker, director of administration.

**ISSUES:**

Is Ms. Liarmie able to and available for work?  
Is Ms. Liarmie on a leave of absence?

**FINDINGS OF FACT:**

Having reviewed the evidence in the record, the administrative law judge finds: Ms. Liarmie began working for the employer on September 17, 2019. She worked as a housecleaner. She began working full-time and switched to part-time. Ms. Liarmie also worked at Heritage Special Care.

In March 2020, the United States declared a public health emergency because of the COVID-19 pandemic. On March 26, 2020, Ms. Liarmie began experiencing COVID-19 symptoms. Ms. Liarmie's other employer sent her home. Ms. Liarmie told her manager that she was experiencing COVID-19 symptoms. Ms. Liarmie began self-quarantining. On April 8, Ms. Liarmie tested positive for COVID-19.

On April 10, this employer reached out to Ms. Liarmie to learn when she would return to work. Ms. Liarmie told this employer that she had tested positive for COVID-19 on April 8 and that her doctor had advised her to self-quarantine for 21 days.

On April 22, this employer contacted Ms. Liarmie to get an update. Ms. Liarmie told this employer that her other employer wanted her to be tested for COVID-19 again since she still had symptoms. This employer also sent Ms. Liarmie a return to work form that same day to

learn about when Ms. Liarmie planned to come back to work. Ms. Liarmie did not respond to the employer. The employer attempted to contact Ms. Liarmie on April 30 to get an update. The call was disconnected and the employer was not able to talk with Ms. Liarmie.

Ms. Liarmie went to the employer's office on May 5 and picked up her check. At some point, Ms. Liarmie told her manager that she would not be coming back to work because she was still sick and the job was too hard. Ms. Liarmie never returned to work after May 5.

### **REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes Ms. Liarmie is not available for work effective March 29, 2020 through May 5, 2020.

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(1) and (10) provide:

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

(1) An individual who is ill and presently not able to perform work due to illness.

(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.

In this case, Ms. Liarmie was ill with COVID-19 and the lingering symptoms of COVID-19 from March 29, 2020 through May 5, 2020. Since Ms. Liarmie was not available to work during this time period, regular, state-funded unemployment insurance benefits are denied from March 29, 2020 through the end of her employment with this employer.

Even though Ms. Liarmie is not eligible for regular unemployment insurance benefits under state law from March 29, 2020 through May 5, 2020, she may be eligible for federally funded unemployment insurance benefits under the Coronavirus Aid, Relief, and Economic Security Act ("Cares Act"), Public Law 116-136 during this time period. 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 up to 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.

**DECISION:**

The February 25, 2021, (reference 06) unemployment insurance decision is affirmed. Ms. Liarmie was not available for work from March 29, 2020 through May 5, 2020. Benefits are denied during this time.



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Daniel Zeno  
Administrative Law Judge  
Unemployment Insurance Appeals Bureau  
Iowa Workforce Development  
1000 East Grand Avenue  
Des Moines, Iowa 50319-0209  
Fax 515-478-3528

May 20, 2021  
Decision Dated and Mailed

dz/scn

**NOTE TO CLAIMANT:**

- This decision determines you are not eligible for regular unemployment insurance benefits under state law. 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.
- If you do not qualify for regular unemployment insurance benefits under state law and you are currently unemployed or were unemployed for reasons related to COVID-19, you may qualify for Pandemic Unemployment Assistance (PUA). **You will need to apply for PUA to determine your eligibility under the program.** For more information on how to apply for PUA, go to <https://www.iowaworkforcedevelopment.gov/pua-information>.
- **If you do not apply for and are not approved for PUA, you may be required to repay the benefits you've received so far.**