

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

JULIE A BEAMAN
Claimant

CENTRAL IOWA HOSPITAL CORP
Employer

APPEAL 20A-UI-07785-AD-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

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

Iowa Code § 96.4(3) – Ability to and Availability for Work

STATEMENT OF THE CASE:

On July 16, 2020, Julie Beaman (claimant/appellant) filed an appeal from the July 7, 2020 (reference 01) unemployment insurance decision that denied benefits. The decision found claimant had not made adequate arrangements for childcare, which was unduly limiting her availability for work. She was found to not meet the availability requirements of the law. Benefits were denied as of March 29, 2020.

A telephone hearing was held on August 14, 2020. The parties were properly notified of the hearing. The claimant participated personally and was represented by attorney Bradley Beaman. Central Iowa Hospital Corporation (employer/respondent) participated by HR Business Partner Mitchell Spivey.

Official notice was taken of the administrative record.

ISSUES:

Is the claimant able to and available for work?

FINDINGS OF FACT:

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

Claimant's first day of employment was February 19, 2018. Claimant is still employed by employer as a part-time unit clerk. Claimant requested and was granted a leave of absence beginning March 20, 2020. Claimant requested the leave of absence because of a lack of childcare due to the pandemic. Claimant has two school-aged children who were out of school due to the pandemic. Their usual childcare arrangements were also unavailable due to the pandemic. Claimant was able to return to work June 2, 2020.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the July 7, 2020 (reference 01) unemployment insurance decision that denied benefits is AFFIRMED.

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 requested and was granted a leave of absence. In doing so, claimant made herself unavailable for work during this time. Claimant is therefore not eligible for regular, state benefits during this period, due to being unavailable for work.

Claimant notes the department has indicated the availability requirements of the law are being waived due to the pandemic. She also notes comments made by department officials and information on its website suggesting all claimants filing as a result of COVID-19 will be eligible for benefits.

While the department has waived the work search requirement, a claimant must still be able to and available for work to be eligible for regular, state benefits. On the other hand, a claimant is not required to be able to and available for work to qualify for federal Pandemic Unemployment Assistance (PUA), where a claimant is unable or unavailable to work due to a COVID-19 related reason.

While this decision denies regular, state benefits, the administrative record shows claimant has been approved for PUA. Claimant should have received information regarding her qualification for PUA in the mail. Further information on PUA is also set forth below.

DECISION:

The July 7, 2020 (reference 01) unemployment insurance decision that denied benefits is **AFFIRMED**. Claimant requested and was granted a leave of absence. Claimant does not meet the availability requirements to receive benefits during that time. Benefits must be denied.



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

August 21, 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 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>.