

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

CHAD A HUNTER
Claimant

FISHER CONTROLS INTERNATIONAL LLC
Employer

APPEAL NO. 20A-UI-05972-B2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

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

Iowa Admin. Code ch. 871 r. 24.23(10) – Leave of Absence
Iowa Code § 96.4-3 – Able and Available
Iowa Code § 96.3(7) – Recovery of Benefit Overpayment
Federal Law PL 116-136 Sec. 2104 – Eligibility for Federal Pandemic Unemployment Compensation

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated June 4, 2020 reference 01, which held claimant not able and available for work. After due notice, a hearing was scheduled for and held on July 17, 2020. Claimant participated personally. Employer failed to respond to the hearing notice and did not participate.

ISSUES:

Whether claimant is able and available for work?

Whether claimant is on an approved leave of absence?

Whether claimant has been overpaid state unemployment benefits?

Whether claimant is eligible to receive Federal Pandemic Unemployment Compensation?

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant continues to be employed by Fisher Controls. Between the dates of March 29, 2020 and May 16, 2020 claimant requested and was granted a leave from employer as his young children did not have school or daycare. Claimant and his wife split the childcare duties over that period, and claimant reported income to IWD from the weeks when he worked.

Claimant has received state unemployment benefits in this matter of \$2,381.00.

Claimant has received Federal Pandemic Unemployment Compensation benefits in this matter of \$3,000.00.

Claimant stated that he received notice from IWD on July 11, 2020 that he'd been granted PUA benefits covering the period of time when he was off work.

REASONING AND CONCLUSIONS OF LAW:

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.

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".

The claimant has not established the ability to work for the time period between March 29, 2020 and May 16, 2020. Benefits are withheld during that period of time.

Claimant has received state unemployment benefits in this matter of \$2,381.00.

Claimant has received Federal Pandemic Unemployment Compensation benefits in this matter of \$3,000.00.

Claimant stated that he received notice from IWD on July 11, 2020 that he'd been granted PUA benefits covering the period of time when he was off work.

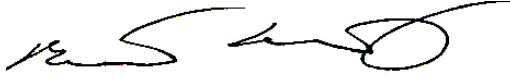
DECISION:

The decision of the representative dated June 4, 2020, reference 01 is affirmed. Claimant is not eligible to receive regular state unemployment insurance benefits, effective March 29, 2020 through May 16, 2020, as he was not able and available for work during that period.

Claimant has received state unemployment benefits in this matter of \$2,381.00.

Claimant has received Federal Pandemic Unemployment Compensation benefits in this matter of \$3,000.00.

Claimant stated that he received notice from IWD on July 11, 2020 that he'd been granted PUA benefits covering the period of time when he was off work. This matter is remanded to the benefits bureau to determine whether claimant has been granted PUA benefits, and if so whether those benefits should apply towards assessed overpayments.



Blair A. Bennett
Administrative Law Judge

July 23, 2020
Decision Dated and Mailed

bab/scn