

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**SAMANTHA J. DUEHR**  
Claimant

**PARCO LTD**  
Employer

**APPEAL 20A-UI-06072-BH-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 04/12/20**  
**Claimant: Appellant (1)**

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Iowa Code section 96.4(3) – Able to, Available for, and Actively Seeking Work  
Iowa Administrative Code rule 871-24.23(10) – Voluntary Unemployment While on Leave of Absence

**STATEMENT OF THE CASE:**

The claimant, Samantha J. Duehr, filed an appeal from the June 4, 2020 (reference 01) unemployment insurance decision that denied benefits. The agency properly notified the parties of the appeal and hearing. The undersigned presided over a telephone hearing on July 13, 2020. Duehr participated and testified. Parco LTD (Parco) participated through Juliet Diaz, who testified.

**ISSUE:**

Is Duehr able to and available for work?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the undersigned finds the following facts. Parco hired Duehr on August 22, 2016. Duehr worked full time for Parco as an office assistant. Duehr went on a voluntary leave of absence from April 11, 2020, through June 7, 2020. The COVID-19 pandemic hit Iowa in the spring. This caused Iowa to close schools. Many daycare providers ceased services because of the outbreak. Duehr has a son who was in kindergarten. She is his primary caregiver. When Duehr lost childcare because of COVID-19, she had to stay home with her son. Duehr informed Parco of her situation. Parco granted her a leave of absence to care for her son. After Duehr was able to arrange childcare, she returned to work on June 8, 2020.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the undersigned concludes Duehr is not eligible for benefits because she was in a period of voluntary unemployment while on a leave of absence.

Under Iowa Administrative Code rule 24.23(10), a claimant who requests and is granted a leave of absence is considered to be in a period of voluntary unemployment and therefore not eligible for benefits because the claimant is not available for work. The evidence establishes Duehr

requested a leave of absence that Parco granted. She was on a leave of absence to search for childcare from March 20, 2020, through April 24, 2020. During this period of voluntary employment, she is not eligible for benefits because she was not available for work under Iowa law.

Duehr testified at the time of hearing that she had not applied to Iowa Workforce Development for PUA under the CARES Act. According to the U.S. Department of Labor, PUA provides up to 39 weeks of benefits to qualifying individuals if, among other reasons, they are unable or unavailable to work due to a COVID-19 related reason such as:

. . . A child or other person in the household for which the individual has primary caregiving responsibility is unable to attend school or another facility that is closed as a direct result of the COVID-19 public health emergency and such school or facility care is required for the individual to work.

U.S. Dep't of Labor, Unemployment Ins. Program Letter 16-20, *Coronavirus Aid, Relief, and Economic Security (CARES) Act of 2020 – Pandemic Unemployment Assistance (PUA) Program Operating, Financial, and Reporting Instructions*, (Apr. 5, 2020), online at: [https://wdr.doleta.gov/directives/corr\\_doc.cfm?DOCN=4628](https://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=4628) (last viewed Jul. 8, 2020). This decision does not address whether Duehr is eligible for PUA under the CARES Act.

## **DECISION:**

### **Regular Unemployment Insurance Benefits Under State Law**

The June 4, 2020, (reference 01) unemployment insurance decision is affirmed. Duehr went on a leave of absence that constituted a voluntary period of unemployment under Iowa law. Regular unemployment insurance benefits under state law are consequently denied.

### **Pandemic Unemployment Assistance (PUA) Under the Federal CARES Act**

Even though Duehr is not eligible for regular unemployment insurance benefits under state law, she may be eligible for federally funded unemployment insurance benefits under the CARES Act. 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 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. This decision does not address whether Duehr is eligible for PUA. For a decision on such eligibility, she must apply for PUA, as noted in the instructions provided in the "Note to Claimant" below, and pursue her claim in a process separate from the one that led to this decision.



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Ben Humphrey  
Administrative Law Judge

July 20, 2020  
Decision Dated and Mailed

bh/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 are currently 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 about how to apply for PUA, go to:

<https://www.iowaworkforcedevelopment.gov/pua-information>