

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

ASHLEY M GRUWELL
Claimant

HOBBY LOBBY STORES, INC
Employer

APPEAL 21A-UI-07351-DZ-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 05/31/20
Claimant: Appellant (1)

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:

Ashley M Gruwell, the claimant/appellant, filed an appeal from the March 3, 2021, (reference 01) unemployment insurance decision that denied REGULAR unemployment insurance benefits. The parties were properly notified about the hearing. A telephone hearing was held on May 20, 2021. Ms. Gruwell participated and testified. The employer participated through Sarah Stipp, store manager.

ISSUES:

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

FINDINGS OF FACT:

Having reviewed the evidence in the record, the administrative law judge finds: Ms. Gruwell began working for the employer in early May 2020. She worked as a part-time cashier.

In March 2020, the United States declared a public health emergency because of the COVID-19 pandemic. In late May 2020, Ms. Gruwell was exposed to someone who had tested positive for COVID-19. Ms. Gruwell began experiencing COVID-19 symptoms. Ms. Gruwell was tested for COVID-19 and tested negative. Ms. Gruwell's doctor advised her to self-quarantine for 14 days because she was experiencing COVID-19 symptoms. Ms. Gruwell's doctor wrote a note excusing her from work from June 1, 2020 through June 14, 2020. Ms. Gruwell gave the note to the employer and self-quarantined from June 1, 2020 through June 14, 2020. Ms. Gruwell returned to work on June 16, 2020.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes Ms. Gruwell is not available for work from June 1, 2020 through June 14, 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(10) and (23) provide:

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.

(23) Where the claimant is not able to work and is under the care of a medical practitioner and has not been released as being able to work.

In this case, Ms. Gruwell was experiencing COVID-19 symptoms and advised by her doctor to not attend work from June 1, 2020 through June 14, 2020. Since Ms. Gruwell was not available to work during this time period, regular, state-funded unemployment insurance benefits are denied during this time period.

Even though Ms. Gruwell is not eligible for regular unemployment insurance benefits under state law from June 1, 2020 through June 14, 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 March 3, 2021, (reference 01) unemployment insurance decision is affirmed. Ms. Gruwell was not available for work from June 1, 2020 through June 14, 2020. Benefits are denied during this time.



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 28, 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 were or you are currently unemployed for reasons related to COVID-19, you may qualify for Pandemic Unemployment Assistance (PUA) benefits. **You must apply for PUA benefits 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.**
- Governor Reynolds announced that Iowa will end its participation in federal pandemic-related unemployment benefit programs, including the PUA program, effective June 12, 2021. **However, you can still apply for PUA benefits at the link above.**