

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

MATEO BUMRI
Claimant

APPEAL 21A-UI-08502-JC-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

TYSON FRESH MEATS INC
Employer

OC: 05/17/20
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:

The claimant/appellant, Mateo Bumri, filed an appeal from the March 16, 2021 (reference 01) Iowa Workforce Development (“IWD”) unemployment insurance decision that denied benefits and stated he was ineligible for benefits effective May 17, 2020, due to a requested leave of absence. The parties were properly notified about the hearing. A telephone hearing was held on June 8, 2021. The claimant, Mateo Bumri, participated personally and through a Burmese interpreter with CTS Language Link. The employer participated through Lori Direnzo. The administrative law judge took official notice of the administrative records. Based on the evidence, the arguments presented, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUES:

Was Mr. Bumri able to and available for work effective May 17, 2020?
Was Mr. Bumri voluntarily unemployed due to a leave of absence?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Mr. Bumri opened a claim for unemployment insurance benefits with an effective date of May 17, 2020. No application for Pandemic Unemployment Assistance (PUA) benefits is on file.

Mr. Bumri worked on the production line, full-time, until April 7, 2020. On April 7, 2020, Mr. Bumri was diagnosed with COVID-19. He was sick with COVID-19 for over six months. During this time, he was hospitalized, in the ICU for 10 days, and had to learn how to walk again through physical therapy. His wife and infant child also were hospitalized with COVID-19. Mr. Bumri was released to return to work on October 20, 2020 by his doctor, and he returned on that day.

While off work, Mr. Bumri received short-term disability for approximately 12-13 weeks but otherwise was not compensated by the employer. Work was available if he had not been sick.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes Mr. Bumri is not eligible for regular state-funded insurance benefits.

For an individual to be eligible to receive benefits, he must be able to work, available for work, and actively seeking work as required by the unemployment insurance law. Iowa Code § 96.4(3). The burden is on the claimant to establish that he is able and available for work within the meaning of the statute. Iowa Code § 96.6(2); Iowa Admin. Code r. 871-24.22.

Iowa Admin. Code r. 871-24.23(1) provides:

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.

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.

The administrative law judge recognizes the claimant has filed his current claim due to hardship related to the COVID-19 pandemic. Here, the employer has work available for the claimant. However, Mr. Bumri could not work because he had contracted COVID-19. The employer agreed to allow the Mr. Bumri time off for that reason. Mr. Bumri was considered to be on a leave of absence and not available for work, according to Iowa law. Therefore, the Mr. Bumri is not eligible for regular, state-funded unemployment insurance benefits.

Individuals who do not qualify 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 under the program. Additional information on how to apply for PUA can be found at <https://www.iowaworkforcedevelopment.gov/pua-information>.

DECISION:

The unemployment insurance decision dated March 16, 2021, (reference 01) is affirmed. Mr. Bumri was not able and available for work effective May 17, 2020. Regular unemployment insurance benefits funded by the state of Iowa are denied until such time the claimant is able to and available for work.



Jennifer L. Beckman
Administrative Law Judge
Unemployment Insurance Appeals Bureau
Iowa Workforce Development
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Fax 515-478-3528

June 21, 2021
Decision Dated and Mailed

jlb/mh

NOTE TO CLAIMANT: This decision determines you are not eligible for regular unemployment insurance benefits. 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. Individuals who do not qualify for regular unemployment insurance benefits, but who are unemployed or continue to be 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 under the program.** Additional information on how to apply for PUA can be found at <https://www.iowaworkforcedevelopment.gov/pua-information>. If this decision becomes final or if you are not eligible for PUA, you may have an overpayment of benefits.

ATTENTION: On May 11, 2021, Governor Reynolds announced that Iowa will end its participation in federal pandemic-related unemployment benefit programs effective June 12, 2021. The last payable week for PUA in Iowa will be the week ending June 12, 2021. Additional information can be found in the press release at <https://www.iowaworkforcedevelopment.gov/iowa-end-participation-federal-unemployment-benefit-programs-citing-strong-labor-market-and>.

You may find information about food, housing, and other resources at <https://covidrecoveryiowa.org/> or at <https://dhs.iowa.gov/node/3250>

Iowa Finance Authority also has additional resources at <https://www.iowafinance.com/about/covid-19-ifa-recovery-assistance/>