

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**ALICIA SCHULTZE**

Claimant

**SEQUEL YOUTH SERVICES OF FOREST  
RIDGE**

Employer

**APPEAL 20A-UI-05565-BH-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 04/19/20**

**Claimant: Appellant (1)**

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  
Iowa Code section 96.5(1) – Voluntary Quit  
Iowa Administrative Code rule 871-24.25 – Voluntary Quit Without Good Cause  
Iowa Administrative Code rule 871-24.26 – Voluntary Quit With Good Cause

***STATEMENT OF THE CASE:***

The claimant, Alicia Schultze, filed an appeal from the June 2, 2020 (reference 01) unemployment insurance decision that denied benefits based upon a finding Schultze voluntarily quit her job with Sequel Youth Services of Forest Ridge (Forest Ridge) without good cause attributable to the employer. The agency properly notified the parties of the hearing. The undersigned presided over a telephone hearing on July 8, 2020. Schultze participated and testified. Claimant's Exhibit A was admitted into evidence. Forest Ridge participated through Tammy Mayo, who testified. Shawn Connelly, the Forest Ridge assistant executive director, sat in on the hearing but did not testify.

***ISSUE:***

Was Schultze's separation from employment with Forest Ridge a layoff, discharge for misconduct, or voluntary quit without good cause attributable to the employer?  
Is Schultze able to and available for work?

***FINDINGS OF FACT:***

Having reviewed all of the evidence in the record, the undersigned finds the following facts.

Forest Ridge hired Schultze on September 22, 2014. Schultze worked part time for Forest Ridge as a quality assurance assistant and transporter. She enjoyed her time working there.

The COVID-19 pandemic began spreading across the state and nation in the spring of 2020. Gov. Kim Reynolds issued multiple public health disaster proclamations because of the pandemic. Schools closed due to COVID-19. Some daycare providers stopped providing daycare for children because of the virus.

Schultze has four children. Three are of school age. One is an infant.

The school Schultze's children attend closed because of COVID-19. Schultze had childcare with Maria Trevino, but Trevino stopped providing care on doctor's advice because she is very high risk for complications from COVID-19. Trevino's decision and the school closing because of COVID-19 meant Schultze had four children who could not attend school and with no one to provide care for them if she went to work.

Schultze requested a one-month leave of absence from Forest Ridge on March 20, 2020, so she could try to find child care. Forest Ridge granted her request. Schultze called 26 licensed daycare providers in her area. Despite her exhaustive search, Schultze was unable to find one that could provide care for her children because they were all either closed due to COVID-19, at capacity, or out of business.

Schultze contacted Forest Ridge at the end of her 30-day leave of absence. She informed her supervisor, Jen Connelly, by phone and email that she was resigning as a direct result of COVID-19 causing schools to close and her daycare provider to cease services. Forest Ridge offered to allow her work on weekends, but she was unable to work the modified schedule because her husband was on call on weekends and she had no childcare if he had to go into work.

Schultze attempted to file for unemployment insurance benefits in Minnesota. That state's application has the option of choosing reasons relating to COVID-19 as the cause of a claimant's unemployment. Because Schultze did not work in Minnesota, she had to apply for benefits in Iowa, which has a separate application process for regular unemployment insurance benefits under state law and Pandemic Unemployment Assistance (PUA) under the federal Coronavirus Aid, Relief, and Economic Security Act (CARES) Act. With Iowa Workforce Development (IWD), Schultze has applied separately for regular unemployment insurance benefits under state law and PUA under the CARES Act.

#### **REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the undersigned concludes Schultz quit her job without good cause attributable to Forest Ridge after a period of voluntary unemployment.

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 Schultze requested a leave of absence that Forest Ridge 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.

Iowa Code section 96.5(1) states an individual is disqualified for benefits if the individual left work voluntarily without good cause attributable to the individual's employer. Under Iowa Administrative Code rule 24.25, the claimant has the initial burden to produce evidence the claimant is not disqualified for benefits in cases in which the claimant quit. And if the claimant produces such evidence, the employer has the burden of proving the claimant is disqualified for benefits.

Here, the parties agree Schultze quit her job with Forest Ridge because she did not have childcare after COVID-19 caused the schools to close and her daycare provider to cease

services. Under Iowa Administrative Code rule 24.25(17), it is presumed a claimant quit her job without good cause attributable to the employer if the claimant left employment due to a lack of childcare. There is no exception to this rule under Iowa law, even for COVID-19. Schultze is therefore not eligible for regular unemployment insurance benefits under state law because she quit her job on April 24, 2020, without good cause attributable to Forest Ridge.

Schultze testified she 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 Schultze is eligible for PUA under the CARES Act.

## **DECISION:**

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

The June 2, 2020, (reference 01) unemployment insurance decision is affirmed. Schultze voluntarily left her employment without good cause attributable to Forest Ridge after a period of voluntary unemployment in the form of a leave of absence. Regular unemployment insurance benefits under state law are withheld until such time as Schultze has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

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

Even though Schultze 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 Schultze 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

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July 17, 2020  
Decision Dated and Mailed

bh/sam

**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>