

**BEFORE THE
EMPLOYMENT APPEAL BOARD
Lucas State Office Building
Fourth floor
Des Moines, Iowa 50319**

CARMA M KILBURG

Claimant

and

WALMART INC

Employer

:
:
:
:
:
:
:
:
:
:

HEARING NUMBER: 21B-UI-09353

**EMPLOYMENT APPEAL BOARD
DECISION**

NOTICE

THIS DECISION BECOMES FINAL unless (1) a **request for a REHEARING** is filed with the Employment Appeal Board within **20 days** of the date of the Board's decision or, (2) a **PETITION TO DISTRICT COURT** IS FILED WITHIN **30 days** of the date of the Board's decision.

A **REHEARING REQUEST** shall state the specific grounds and relief sought. If the rehearing request is denied, a petition may be filed in **DISTRICT COURT** within **30 days** of the date of the denial.

SECTION: 96.4-3, 96.5-2-A

DECISION

UNEMPLOYMENT BENEFITS ARE DENIED

The Claimant appealed this case to the Employment Appeal Board. The members of the Employment Appeal Board reviewed the entire record. The Appeal Board finds the administrative law judge's decision is correct. The administrative law judge's Findings of Fact and Reasoning and Conclusions of Law are adopted by the Board as its own. The administrative law judge's decision is **AFFIRMED**.

We point out to the Claimant that although the Claimant is denied benefits under state unemployment law, **this does not bar receipt of certain special pandemic related benefits**. In fact, being ineligible from state unemployment benefits is a prerequisite to some of these benefits. Of particular interest to the Claimant is Pandemic Unemployment Assistance [PUA]. That law provides benefits to persons who are unavailable for work due to certain pandemic related reasons, or who lost work as a direct result of the Pandemic. The federal Department of Labor has instructed that **eligible persons would include**:

f. The individual is unable to reach the place of employment because the individual has been advised by a health care provider to self-quarantine due to concerns related to COVID-19

UIPL 16-20, Attachment 1.

(https://wdr.doleta.gov/directives/attach/UIPL/UIPL_16-20_Attachment_1.pdf).

In most cases, federal law requires all PUA claims to be backdated. The upshot is that if Claimant can make the necessary PUA showing Claimant may very well be eligible for PUA for any qualifying week. **Our ruling today is no bar to PUA.** Our ruling on the quit would mean if the Claimant can get PUA then once the Claimant comes off PUA the Claimant would have to requalify by earning 10 times the weekly benefit amount before Claimant could receive state unemployment benefits or the Claimant would have to be fully released and return to offer services to the Employer before receiving state benefits.

Claimant might then receive regular state benefits if Claimant returns and offers services once that COVID leave ends but Claimant is not rehired. The Employer should note it can avoid charges by bringing the Claimant back to work at the end of the COVID leave.

Notably today we have made a decision that denies regular unemployment, but allows regular benefits once the Claimant is fully released, offers the Claimant's services to the Employer, but is rejected. Iowa Code §96.5(1)(d). Of course, the Claimant could also requalify for state benefits by earning 10 times the weekly benefit amount since the date of the quit. This means if the Claimant can get PUA the Claimant would receive the PUA benefit so long as the Claimant is away from work for COVID reasons, and then receive regular state benefits if Claimant is fully released to do the old job at the Employer, returns and offers services to the Employer but is not rehired, or if Claimant otherwise requalifies. The Employer should note it can avoid charges by bringing the Claimant back to work at that time.

Should the Claimant wish to apply for PUA, you must do so within 21 days of this decision. Information on how to apply is found at:

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

James M. Strohman

Ashley R. Koopmans

Myron R. Linn