

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**PATRICIA M HATFIELD BELL**  
Claimant

**APPEAL 20A-UI-08290-S1-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**BEHAVIORAL TECHNOLOGIES CORP**  
Employer

**OC: 03/22/20  
Claimant: Appellant (1R)**

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Iowa Code § 96.19(38)a & b – Total and Partial Unemployment  
Iowa Code § 96.4(3) – Ability to and Availability for Work  
Iowa Admin. Code r. 871-24.23(26) – Able & Available – Availability Disqualifications  
Iowa Code § 96.7(2)a(2) – Same Base Period Employment

**STATEMENT OF THE CASE:**

Patricia Hatfield Bell (claimant) appealed a representative's July 13, 2020, decision (reference 02) that denied benefits based on her employment with Behavioral Technologies (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on August 26, 2020. The claimant participated personally. The employer participated by Virginia Bradesh, Administrator. The administrative law judge took official notice of the administrative file.

**ISSUES:**

The issue is whether the claimant is eligible for total or partial unemployment benefits, still employed at the same hours and wages, whether the claimant is able and available for work and/or whether the employer's account is subject to charge.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant was hired on July 11, 2018, as a full-time developmental specialist. The claimant requested and was granted intermittent Family Medical Leave (FMLA) from November 14, 2019, through April 2, 2020. The last day the claimant performed services for the employer was March 11, 2020. The claimant was quarantining with her autistic son and father who was diagnosed with Alzheimer's disease after March 11, 2020. The claimant's mother had been a help to the claimant in caring for the two but the claimant's mother passed away in March 2020, due to pre-existing conditions and Covid-19.

On April 3, 2020, the employer notified the claimant her insurance would expire on April 3, 2020, unless she was able to work some hours. The claimant notified the employer she wanted to change her status to pro re nata (PRN) or as needed. The change allowed the claimant to take an informal leave and remain employed. The claimant continues to quarantine with her son and father. On July 15, 2020, the claimant sent a text to her supervisor resigning her position.

Later, the claimant discovered her son would have to homeschool and she would be responsible for his learning.

The claimant filed for unemployment insurance benefits with an effective date of March 22, 2020. Her weekly benefit amount was determined to be \$404.00. The claimant received benefits of \$404.00 per week from March 22, 2020, to the week ending July 4, 2020. This is a total of \$6,060.00 in state unemployment insurance benefits after the separation from employment. She also received \$8,400.00 in Federal Pandemic Unemployment Compensation for the fourteen-week period ending July 4, 2020.

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

Iowa Code section 96.19(38) provides:

"Total and partial unemployment".

a. An individual shall be deemed "totally unemployed" in any week with respect to which no wages are payable to the individual and during which the individual performs no services.

b. An individual shall be deemed partially unemployed in any week in which either of the following apply:

(1) While employed at the individual's then regular job, the individual works less than the regular full-time week and in which the individual earns less than the individual's weekly benefit amount plus fifteen dollars.

(2) The individual, having been separated from the individual's regular job, earns at odd jobs less than the individual's weekly benefit amount plus fifteen dollars.

c. An individual shall be deemed temporarily unemployed if for a period, verified by the department, not to exceed four consecutive weeks, the individual is unemployed due to a plant shutdown, vacation, inventory, lack of work or emergency from the individual's regular job or trade in which the individual worked full-time and will again work full-time, if the individual's employment, although temporarily suspended, has not been terminated.

When a claimant is not working any hours for more than four weeks, she is considered totally unemployed. The claimant has not worked since March 11, 2020. She is totally unemployed. In order to receive regular unemployment insurance benefits under Chapter 96 of the Iowa Code, a totally unemployed claimant must establish she is able to and available for work. Iowa Code § 96.4(3).

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 claimant has the burden of proof in establishing his ability and availability for work. *Davoren v. Iowa Employment Security Commission*, 277 N.W.2d 602 (Iowa 1979). The employer had work available for claimant. However, the claimant wanted to quarantine with her family. She informed the employer she wanted PRN status during her quarantine period. She was unable to work due to her quarantine. The employer agreed to allow the claimant time off for that reason. The claimant has not established she is able to and available for work, even under the United States Department of Labor's guidance to flexibly interpret this requirement. See Unemployment Insurance Program Letter No. 10-20. The claimant is considered to be on a leave of absence due to her quarantine and is not available for work. Therefore, the claimant is not eligible for regular, state-funded unemployment insurance benefits. Benefits are denied.

Even though the claimant is not eligible for regular unemployment insurance benefits under state law, 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. 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. The claimant must apply for PUA, as noted in the instructions provided in the "Note to Claimant" below.

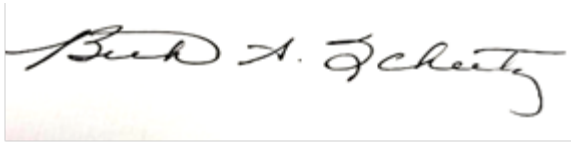
The issues of the separation from employment and whether claimant has been overpaid unemployment insurance benefits and Federal Pandemic Unemployment Compensation is remanded to the Benefits Bureau of Iowa Workforce Development for an initial investigation and decision.

**DECISION:**

The July 13, 2020, (reference 02) unemployment insurance decision is affirmed. The claimant is not able to work and available for work effective March 22, 2020. Regular unemployment insurance benefits funded by the state of Iowa are denied until such time as the claimant is able to and available for work.

The issues of the separation from employment and whether claimant has been overpaid unemployment insurance benefits and Federal Pandemic Unemployment Compensation is remanded to the Benefits Bureau of Iowa Workforce Development for an initial investigation and decision.

*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 currently 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>.



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Beth A. Scheetz  
Administrative Law Judge  
Unemployment Insurance Appeals Bureau  
1000 East Grand Avenue  
Des Moines, Iowa 50319-0209  
Fax (515)478-3528

August 28, 2020  
Decision Dated and Mailed

bas/scn