

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

NATHAN R CONNER
Claimant

DOLGENCORP LLC
Employer

APPEAL 20A-UI-06238-S1-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 04/05/20
Claimant: Appellant (1)

Iowa Code § 96.4-3 – Able and Available
871 IAC 24.23(10) – Voluntary Leave of Absence
Iowa Code § 96.3-7 – Overpayment
PL 116-136 Section 2104 (B) – Federal Pandemic Unemployment Compensation

STATEMENT OF THE CASE:

Nathan Conner (claimant) appealed a representative's June 4, 2020, decision (reference 03) that concluded ineligibility to receive unemployment insurance benefits as of April 5, 2020, because a leave of absence was granted by Dolgencorp (employer) at the claimant's request. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on July 20, 2020. The claimant participated personally. The employer participated by Adam Blackburn, District Manager. The administrative law judge took official notice of the administrative file.

ISSUE:

The issue is whether the claimant is available for work, whether the claimant was overpaid benefits, and whether the claimant is eligible for Federal Pandemic Unemployment Compensation.

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 November 13, 2019, as a full-time assistant store manager. He provided a doctor's note to the employer dated April 6, 2020, excusing him from work from April 11, 2020, through May 2, 2020, due to his medical condition and Covid-19. The claimant provided another doctor's note to the employer dated April 27, 2020, excusing him from work from May 2, 2020, through May 16, 2020, due to his medical condition and Covid-19. The employer granted him a leave of absence from April 11, 2020, through May 16, 2020. The claimant returned to work on May 17, 2020. Continued work was available to the claimant if he had been able to work.

The claimant filed for unemployment insurance benefits with an effective date of April 5, 2020. His weekly benefit amount was determined to be \$271.00. The claimant did not receive any

unemployment insurance benefits or Federal Pandemic Unemployment Compensation after April 5, 2020.

REASONING AND CONCLUSIONS OF LAW:

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.

When employees request and are granted a leave of absence, they are considered to be voluntarily unemployed. The request may be from the worker or from a physician and delivered to the employer by the worker. The claimant requested a medical leave of absence and the employer granted the request. The claimant is considered to be voluntarily unemployed, or unavailable for work, during the period of the medical leave of absence and is not eligible to receive unemployment insurance benefits from April 5, 2020.

Even though the claimant is not eligible for regular unemployment insurance benefits under state law, he 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.

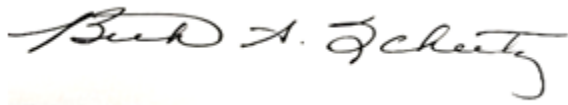
The claimant did not receive any unemployment insurance benefits or Federal Pandemic Unemployment Compensation after April 5, 2020, and is, therefore, not overpaid those benefits.

DECISION:

The representative's June 4, 2020, decision (reference 03) is affirmed. The claimant is considered to be unavailable for work and is not eligible to receive unemployment insurance benefits from April 5, 2020.

The claimant did not receive any unemployment insurance benefits or Federal Pandemic Unemployment Compensation after April 5, 2020, and is, therefore, not overpaid those benefits.

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>.



Beth A. Scheetz
Administrative Law Judge

July 28, 2020
Decision Dated and Mailed

bas/sam