

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**HARRY E REID**  
Claimant

**RYDER INTEGRATED LOGISTICS, INC.**  
Employer

**APPEAL 20A-UI-06351-BH-T**  
**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 04/12/20**  
**Claimant: Appellant (4)**

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Iowa Code section 96.5(1) – Voluntary Quit  
Iowa Code section 96.4(3) – Able to, Available for, and Earnestly and Actively Seeking Work  
Iowa Administrative Code rule 871-24.22(j) – Leave of Absence Agreed to by Employee and Employer  
Iowa Administrative Code rule 871-24.23(10) – Availability for Work While on Voluntary Leave of Absence

**STATEMENT OF THE CASE:**

The claimant, Harry E. Reid, appealed the June 9, 2020 (reference 01) unemployment insurance decision that denied benefits based upon a finding Reid voluntary quit his job with Ryder Integrated Logistics, Inc. (Ryder) without good cause attributable to the employer. The agency properly notified the parties of the appeal and hearing.

The undersigned presided over a telephone hearing on July 21, 2020. Reid participated personally and testified. Claimant's Exhibit A was admitted into evidence. Ryder participated through hearing representative Thomas Kuiper of Equifax. Emily Runnells testified as a witness for Ryder.

**ISSUES:**

Was Reid's separation from employment with Ryder a layoff, discharge for misconduct, or voluntary quit without good cause attributable to the employer?

**FINDINGS OF FACT:**

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

Ryder hired Reid on June 26, 2017. He worked there full time as a material handler – forklift. At the time of hearing, Reid had not left employment with Ryder.

Reid is the father of a baby who effectively had no immune system at all times material to this claim. The baby was in the Neonatal Intensive Care Unit (NICU). The baby's doctors informed Reid that the baby is at a higher risk of death from the COVID-19 virus. The doctors advised

Reid to quarantine in order to reduce the risk of contracting COVID-19 and transmitting it to the baby.

Reid informed Ryder of his baby's condition and the situation. Ryder initially placed Reid on leave under the FMLA. After learning of the baby's immunocompromised state, Ryder placed Reid on a different type of leave under the company's COVID-19 leave policy for workers who have a compromised immune system or have a family member with an immunodeficiency. Reid agreed to go on COVID-19 leave from April 14, 2020, through June 14, 2020, when he returned to work.

Thus, from April 14, 2020, through June 14, 2020, Reid went on a voluntary leave of absence because he was unable to reach his place of employment because he had been advised by a health care provider to self-quarantine due to concerns related to COVID-19.

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

For the reasons that follow, the undersigned concludes Reid is disqualified from regular unemployment benefits under state law because he was not available for work during a period of voluntary unemployment while on a leave of absence agreed to by him and Ryder.

Iowa Code section 96.5(1) disqualifies a claimant from benefits if the claimant quit the job without good cause attributable to the employer. Reid did not leave employment with Ryder. He is still employed there. At the time of hearing, Reid was working for Ryder. Therefore, Iowa Code section 96.5(1) does not apply to Reid's claim for benefits.

Under Iowa Code section 96.4(3), a claimant must be able to, available for, and earnestly and actively seeking work in order to be eligible for benefits. Iowa Workforce Development (IWD) has issued rules governing whether a claimant on a leave of absence is available for work under section 96.4(3). Iowa Administrative Code rule 871-24.22(2)(j) states:

A leave of absence negotiated with the consent of both parties, employer and employee, is deemed a period of voluntary unemployment for the employee-individual, and the individual is considered ineligible for benefits for the period.

(1) If at the end of a period or term of negotiated leave of absence the employer fails to reemploy the employee-individual, the individual is considered laid off and eligible for benefits.

(2) If the employee-individual fails to return at the end of the leave of absence and subsequently becomes unemployed the individual is considered as having voluntarily quit and therefore is ineligible for benefits.

Further, rule 871-24.23(10) provides that a claimant is disqualified from benefits for being unavailable for work if "the claimant requested and was granted a leave of absence" because "such period is deemed to be a period of voluntary unemployment and shall be considered ineligible for benefits for such period."

Here, the evidence shows that Reid went on a voluntary leave of absence. First, he exercised his right to leave under the federal Family and Medical Leave Act (FMLA). Then Reid took a leave of absence under Ryder's COVID-19 leave policy because of his newborn daughter's condition that left her effectively without an immune system.

For these reasons, Reid was not available for work under Iowa law while he was on voluntary leave. Iowa does not have any exceptions for COVID-19 in the standards that govern eligibility for regular unemployment insurance benefits under state law. Reid is therefore disqualified from regular unemployment insurance benefits under state law.

Congress enacted the CARES Act in response to COVID-19. The CARES Act created new programs to help persons impacted by COVID-19. One of those programs is federal Pandemic Unemployment Assistance (PUA). According to the U.S. Department of Labor, PUA provides for up to 39 weeks of benefits to qualifying individuals who are unable or unavailable to work due to one or more COVID-19 related reasons such as:

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 . . .

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," p. 3 (Apr. 5, 2020), available online at: [https://wdr.doleta.gov/directives/attach/UIPL/UIPL\\_16-20\\_acc.pdf](https://wdr.doleta.gov/directives/attach/UIPL/UIPL_16-20_acc.pdf) (last viewed July 22, 2020).

This decision does not address whether Reid might be eligible for PUA under the CARES Act.

## **DECISION:**

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

The June 9, 2020 (reference 01) unemployment insurance decision is modified in part and affirmed in part. Reid did not leave employment with Ryder. Rather, Reid was not available for work while on a voluntary leave of absence. He is therefore disqualified from regular unemployment insurance benefits under Iowa law. Benefits are withheld until such time as Reid has worked in and been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

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

Even though Reid is not eligible for regular unemployment insurance benefits under state law, he 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 is eligible for such compensation for the week claimed.

This decision does not address whether Reid is eligible for PUA. For a decision on such eligibility, Reid must apply for PUA, as noted in the instructions provided in the "Note to Claimant" below.



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Ben Humphrey  
Administrative Law Judge

July 28, 2020  
Decision Dated and Mailed

bh/scn

**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>