

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

CHERYL E UNTZ
Claimant

FLOORCRAFTERS INC
Employer

APPEAL 21A-UI-07392-DB-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

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

Iowa Code § 96.4(3) – Able to and Available for Work
Iowa Admin. Code r. 871-24.23(10) – Voluntary Leave of Absence from Work

STATEMENT OF THE CASE:

The claimant/appellant filed an appeal from the March 5, 2021 (reference 01) unemployment insurance decision that found claimant was not eligible for unemployment benefits effective April 5, 2021 as she was on a voluntary leave of absence from work. The parties were properly notified of the hearing. A telephone hearing was held on May 21, 2021. The claimant participated personally. The employer participated through witness John Heyland. The administrative law judge took administrative notice of the claimant's unemployment insurance benefits records.

ISSUES:

Was the claimant able to and available for work?
Was the claimant on an approved leave of absence from work?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was employed part-time as a sales associate. She began her employment in October of 2017 and her employment ended on April 15, 2021. Claimant's last day physically worked on the job occurred on or about March 14, 2020.

Claimant notified the employer that her medical provider had advised her to quarantine during the COVID-19 pandemic. This was due to the claimant's age and underlying medical conditions that made her more susceptible to serious complications should she contract COVID-19. The employer agreed to a leave of absence and she remained on a leave of absence from work until April 15, 2021 when she notified the employer she would not be returning.

Claimant filed an original claim for unemployment insurance benefit effective April 5, 2020. Claimant filed and was approved for Federal Pandemic Unemployment Assistance (PUA) benefits in a decision dated March 12, 2021. The PUA allowance decision found that claimant was eligible for PUA benefits effective her original claim date of April 5, 2020. Claimant's administrative records establish that she was paid regular unemployment insurance benefits

from April 5, 2020 through September 12, 2020. No PUA benefits have been paid to date. This matter will be remanded to the Benefits Bureau for an initial investigation and determination whether the claimant may have any overpayment of regular unemployment insurance benefits funded by the State of Iowa offset by any PUA benefits that she was entitled to during the same period of time.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes as follows:

Iowa Code § 96.4(3) provides:

An unemployed individual shall be eligible to receive benefits with respect to any week only if the department finds that:

3. The individual is able to work, is available for work, and is earnestly and actively seeking work. This subsection is waived if the individual is deemed partially unemployed, while employed at the individual's regular job, as defined in § 96.19, subsection 38, paragraph "b", subparagraph 1, or temporarily unemployed as defined in § 96.19, subsection 38, paragraph "c". The work search requirements of this subsection and the disqualification requirement for failure to apply for, or to accept suitable work of § 96.5, subsection 3 are waived if the individual is not disqualified for benefits under § 96.5, subsection 1, paragraph "h".

Iowa Admin. Code r. 871-24.23(35) provides:

Availability disqualifications. The following are reasons for a claimant being disqualified for being unavailable for work.

(35) Where the claimant is not able to work and is under the care of a medical practitioner and has not been released as being able to work.

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.

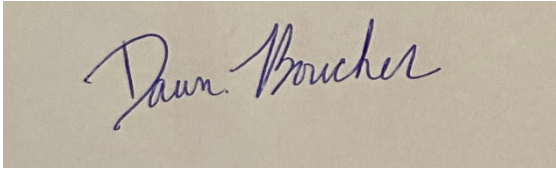
Because the claimant was quarantining due to potential COVID-19 exposure, she was not considered able to and available for work pursuant to Iowa law. See Iowa Code § 96.4(3); IAC r. 871-24.23(10). As such, regular unemployment insurance benefits funded by the State of Iowa are denied effective April 5, 2020. This decision does not impact whether the claimant may be eligible for Federal Pandemic Unemployment Assistance (PUA) benefits.

DECISION:

The March 5, 2021 (reference 01) unemployment insurance decision is affirmed. The claimant was not able to work or available for work effective April 5, 2021. Regular unemployment insurance benefits funded by the State of Iowa are denied effective April 5, 2020.

REMAND:

The issue of claimant's withheld PUA benefits is remanded to the Benefits Bureau to be unlocked and paid, provided the claimant is otherwise eligible.

A rectangular area containing a handwritten signature in blue ink that reads "Dawn Boucher". The signature is written in a cursive style on a light-colored, textured background.

Dawn Boucher
Administrative Law Judge

June 1, 2021
Decision Dated and Mailed

db/scn