

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

DALTON J CLAUSSEN
Claimant

COLLIS INC
Employer

APPEAL 20A-UI-06578-AD-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 10/13/19
Claimant: Appellant (1)**

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

STATEMENT OF THE CASE:

On June 15, 2020, Dalton Claussen (claimant/appellant) filed an appeal from the June 11, 2020 (reference 03) unemployment insurance decision that denied benefits.

A telephone hearing was held on July 24, 2020. The parties were properly notified of the hearing. The claimant participated personally. Collis Inc (employer/respondent) participated by HR Coordinator Michele Huebner.

Official notice was taken of the administrative record.

ISSUES:

Is the claimant able to and available for work?

Is the claimant on an approved leave of absence?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds:

Claimant works for employer as a full-time wire robotic work center setup and operator. Claimant's first day of employment was December 4, 2017. Claimant is still employed there. Claimant requested and was granted a leave of absence beginning April 14, 2020 and ending May 16, 2020. Claimant's leave was due to the pandemic. Claimant returned to work full time following the leave.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the June 11, 2020 (reference 03) unemployment insurance decision that denied benefits is AFFIRMED.

Iowa Code section 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 section 96.19, subsection 38, paragraph "b", unnumbered paragraph (1), or temporarily unemployed as defined in section 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 section 96.5, subsection 3 are waived if the individual is not disqualified for benefits under section 96.5, subsection 1, paragraph "h".

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.

Claimant has been working full-time for employer since December 2017. Claimant requested and was granted a leave of absence beginning April 14, 2020 and ending May 16, 2020. Claimant was unavailable for work during this time and as such is not eligible for benefits. Claimant returned to work full time following the leave. He is not available for work from that time, as he is working to such an extent that he has removed himself from the labor market. Benefits are denied.

The administrative law judge notes that while this decision denies regular, state unemployment benefits, claimant may be eligible for Pandemic Unemployment Assistance (PUA). Further information on PUA and how to apply is set forth below.

DECISION:

The June 11, 2020 (reference 03) unemployment insurance decision that denied benefits is AFFIRMED.



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

July 31, 2020
Decision Dated and Mailed

abd/sam

Note to Claimant:

If you disagree with this decision, you may file an appeal with the Employment Appeal Board by following the instructions on the first page of this decision. If this decision denies benefits, you may be responsible for paying back benefits already received.

Individuals who are disqualified from or are otherwise ineligible 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.** Additional information on how to apply for PUA can be found at <https://www.iowaworkforcedevelopment.gov/pua-information>.