

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

JUANITA J CAMPFIELD
Claimant

HY-VEE INC
Employer

APPEAL 16A-UI-06233-LJ-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 05/08/16
Claimant: Appellant (1-R)

Iowa Code § 96.4(3) – Ability to and Availability for Work
Iowa Admin. Code r. 871-24.22(2) – Able & Available - Benefits Eligibility Conditions

STATEMENT OF THE CASE:

The claimant filed an appeal from the May 27, 2016, (reference 01) unemployment insurance decision that denied benefits based upon a determination that claimant is not able to and available for work with this employer. The parties were properly notified of the hearing. A telephone hearing was held on June 22, 2016. The claimant, Juanita J. Campfield, participated. The employer, Hy-Vee, Inc., participated through Chad Christensen, and Ajah Anderson of Corporate Cost Control, Inc. represented the employer.

ISSUE:

Is the claimant able to and available for 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 grocery clerk from September 22, 2015. Claimant generally worked between 16 and 24 hours each week. Claimant took a leave of absence from her position as of December 30, 2015, due to her full-time employment as a tax preparer and a personal matter. She did not report back to the employer and express interest in returning to work until June 3, 2016.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes that the claimant is not able to work and available for work. Benefits are withheld.

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 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:

(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 took a leave of absence from her position with this employer effective December 30, 2015. Since claimant voluntarily limited the number of hours she was available to or willing to work, she has not established her ability to or availability for work. Accordingly, benefits are denied.

DECISION:

The May 27, 2016, (reference 01) unemployment insurance decision is affirmed. The claimant is not able to work and available for work from December 30, 2015, until June 3, 2016. Benefits are withheld.

REMAND:

Claimant's appeal letter indicates she was separated from her employment with this employer. The issue of her separation is remanded to the Benefits Bureau of Iowa Workforce Development for an initial investigation and determination.

Elizabeth Johnson
Administrative Law Judge

Decision Dated and Mailed

lj/pjs