

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

**DOUGLAS KROELLS**  
Claimant

**APPEAL NO. 20A-UI-08037-B2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**NORTH LAKES PROPERTY MANAGEMENT**  
Employer

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

Iowa Admin. Code ch. 871 r. 24.23(10) – Leave of Absence  
Iowa Code § 96.4-3 – Able and Available

**STATEMENT OF THE CASE:**

Claimant filed an appeal from a decision of a representative dated July 1, 2020 reference 01, which held claimant not able and available for work. After due notice, a hearing was scheduled for and held on August 19, 2020. Claimant participated personally. Employer participated by Jody Hadrava.

**ISSUE:**

Whether claimant is able and available for work?

Whether claimant is on an approved leave of absence?

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant works as a full time maintenance technician for employer. Claimant had Covid concerns in late March, 2020. Claimant is over 60 years old and had health concerns as he works in an area with college students who had traveled on Spring Break to various points in the country.

Claimant asked for and was granted a leave from employer on or around March 25, 2020. Claimant stayed on leave and worked limited hours until he returned on May 16, 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.

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".

Inasmuch as the claimant asked for and received a leave of absence, he is not eligible for benefits during the period of his leave. Benefits are withheld for the period between April 5, 2020 and May 16, 2020. Benefits shall be allowed effective May 17, 2020 if he is otherwise eligible for benefits.

**DECISION:**

The decision of the representative dated July 1, 2020, reference 01 is affirmed. Claimant is not eligible to receive unemployment insurance benefits, effective March 25, 2020 through May 16, 2020. After that date, claimant is eligible for benefits provided claimant meets all other eligibility requirements.



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Blair A. Bennett  
Administrative Law Judge

August 25, 2020  
Decision Dated and Mailed

bab/mh

**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.
- If you do not qualify for regular unemployment insurance benefits due to disqualifying separations 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.** More information about how to apply for PUA is available online at:  
[www.iowaworkforcedevelopment.gov/pua-information](http://www.iowaworkforcedevelopment.gov/pua-information)