

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

TIFFANI MATHENIA
Claimant

SHARPNESS INC
Employer

APPEAL 21A-UI-07303-AD-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 03/22/20
Claimant: Appellant (2)

Iowa Code section 96.4(3) – Eligibility – Able and Available for Work

STATEMENT OF THE CASE:

On March 10, 2021, Tiffani Mathenia (claimant/appellant) filed an appeal from the March 8, 2021 (reference 04) unemployment insurance decision that denied benefits as of November 15, 2020 based on a finding claimant requested and was granted a leave of absence.

A telephone hearing was held on May 20, 2021. The parties were properly notified of the hearing. The claimant participated personally. "Sharpness Inc (employer/respondent) did not register a number for the hearing or participate.

Official notice was taken of the administrative record.

ISSUES:

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 began working for employer in approximately 2016. Claimant is still employed by employer as a full-time resource manager. Employer held claimant out of work from on or about November 4 until November 18, 2020, due to claimant being exposed to COVID-19. Claimant did not request a leave of absence. Claimant was able and available for work during this period if employer had not held her out of work.

Claimant filed a weekly claim for benefits in the weeks ending November 7, 14, and 21, 2020. Claimant correctly reported wages in the amount of \$200.00 earned for the week ending November 7 and \$220.00 in the week ending November 21, 2020.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the March 8, 2021 (reference 04) unemployment insurance decision that denied benefits as of November 15, 2020 based on a finding claimant requested and was granted a leave of absence is REVERSED. Claimant is eligible for benefits as set forth below.

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".

Employer held claimant out of work from on or about November 4 until November 18, 2020, due to claimant being exposed to COVID-19. Claimant did not request a leave of absence. Claimant was able and available for work during this period if employer had not held her out of work.

Claimant is eligible for benefits in the weeks ending November 7, 14, and 21, 2020, as she was able and available for work in each of those weeks. The administrative law judge notes that employer will not be charged for benefits paid, as the Department has determined not to charge employers for periods of pandemic-related unemployment on claims filed June 12, 2021 or earlier.

DECISION:

The March 8, 2021 (reference 04) unemployment insurance decision that denied benefits as of November 15, 2020 based on a finding claimant requested and was granted a leave of absence is REVERSED. Claimant is eligible for benefits as set forth above.



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

May 28, 2021
Decision Dated and Mailed

abd/ol