

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**JACQUELYN A THOMPSON**  
Claimant

**MICROTEL INN AND SUITES**  
Employer

**APPEAL 20A-UI-12606-S2-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 06/28/20**  
**Claimant: Appellant (1)**

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

**STATEMENT OF THE CASE:**

On October 12, 2020, Jacquelyn A. Thompson (claimant) filed an appeal from the October 7, 2020, reference 01, unemployment insurance decision that denied benefits effective June 28, 2020, based upon the determination she was not able to and available for work. After due notice was issued, a telephone hearing was held on November 24, 2020. The claimant participated. Microtel Inn and Suites (employer) participated through Poojan Patel. No exhibits were offered into the record.

**ISSUE:**

Was the claimant able to and available for work effective June 28, 2020?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds the facts in this case are not contested. The claimant began working for the employer on May 7, 2019, as a front desk clerk. The claimant filed her claim for regular unemployment insurance benefits the week of June 28, 2020 because she was on a leave of absence. She was unable to work due to being high risk due of contracting COVID-19.

The claimant received eight notes from her medical provider advising she remain off work due to the risk of contracting COVID-19. The claimant provided each notes to the employer. The employer approved the claimant's leave of absence and remained in communication with the claimant to seek updates during her absence. The employer has work available for the claimant when she is released by her doctor to return to work. She is currently off work through December 31, 2020.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes that the claimant was not able to and available for work effective June 28, 2020.

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 provides, in relevant part:

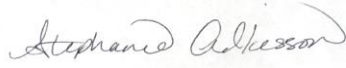
Availability disqualifications. The following are reasons for a claimant being disqualified for being unavailable for work.

(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.

Here, claimant was on a leave of absence due to risk factors associated with COVID-19. Claimant has not established she is able to and available for work, even under the United States Department of Labor's guidance to flexibly interpret this requirement. See Unemployment Insurance Program Letter No. 10-20. Therefore, claimant is not eligible for regular, state-funded unemployment insurance benefits from the effective date of the claim.

**DECISION:**

The October 7, 2020, reference 01, unemployment insurance decision is affirmed. The claimant is not able to work and available for work effective June 28, 2020, and regular, state-funded unemployment insurance benefits are denied. Claimant may be eligible for Pandemic Unemployment Assistance.



---

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

December 7, 2020  
Decision Dated and Mailed

sa/mh

**NOTE TO CLAIMANT:**

This decision determines you are not eligible for regular unemployment insurance benefits under state law. 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 under state law 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.** For more information on how to apply for PUA, go to <https://www.iowaworkforcedevelopment.gov/pua-information>. **If you do not apply for and are not approved for PUA, you may be required to repay the benefits you've received so far.**