

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

**KAYLA M STRONG**  
Claimant

**MENARD INC**  
Employer

**APPEAL 20A-UI-07341-AD-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 03/29/20**  
**Claimant: Appellant (4)**

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 July 1, 2020, Kayla Strong (claimant/appellant) filed an appeal from the June 22, 2020 (reference 02) unemployment insurance decision that denied benefits as of March 29, 2020.

A telephone hearing was held on August 6, 2020. The parties were properly notified of the hearing. The claimant participated personally. Menard Inc (employer/respondent) was not available at the number registered for the hearing and did not 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 April 2019. Claimant continues to work for employer as a part-time sales associate. Claimant requested and was granted a leave of absence from March 30, 2020 and continuing through June 25, 2020. This leave of absence was due to the pandemic. Claimant was available to return to work on June 26 but employer instructed her not to return until she obtained the results of a COVID-19 test. Claimant did return to work on July 4, 2020, and has been employed there since.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the June 22, 2020 (reference 02) unemployment insurance decision that denied benefits as of March 29, 2020 is MODIFIED in favor of appellant. The administrative law judge concludes that the claimant was not able and available for work effective with the benefit week ending April 4, 2020, and continuing through the benefit week ending June 27, 2020. Claimant is not eligible for benefits during that time.

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:

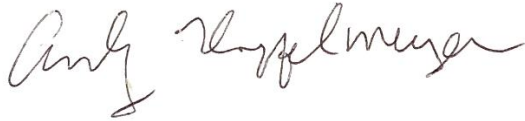
Availability disqualifications. The following are reasons for a claimant being disqualified for being unavailable for work.

(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 requested and was granted a leave of absence from March 30, 2020 and continuing through June 25, 2020. This leave of absence was due to the pandemic. Claimant was not available for work during this time and as such is not eligible for benefits during that period. Claimant was available to return to work on June 26.

**DECISION:**

The June 22, 2020 (reference 02) unemployment insurance decision that denied benefits as of March 29, 2020 is MODIFIED in favor of appellant. The administrative law judge concludes that the claimant was not able and available for work effective with the benefit week ending April 4, 2020, and continuing through the benefit week ending June 27, 2020. Claimant is not eligible for benefits during that time. Claimant was available for work after that time.



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

August 11, 2020  
Decision Dated and Mailed

abd/mh

***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>.