

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

JADEN D HOSKINS
Claimant

APPEAL NO. 20A-UI-10509-B2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

FULL CIRCLE SERVICES INC
Employer

OC: 03/29/20
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 August 28, 2020 reference 01, which held claimant not able and available for work. After due notice, a hearing was scheduled for and held on October 16, 2020. Claimant participated personally. Employer failed to respond to the hearing notice and did not participate.

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 is a direct support professional working part time for employer. Claimant was hired in June 2018 and continues working for employer to this date.

Claimant has an auto immune disease that places her at high risk should she contract Covid. As a result of this, claimant went to employer and asked that she be granted a leave of absence. Employer agreed to this leave and claimant was off work from March 18, 2020 until September 1, 2020. Claimant stated that employer did adjust her schedule to allow for less clients and hours.

Claimant has not provided doctor's notes to employer.

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".

As claimant was on a leave of absence, benefits are withheld for that period claimant was on leave.

Note to Claimant: Even though claimant is not eligible for regular unemployment insurance benefits under state law, he may be eligible for federally funded unemployment insurance benefits under the Coronavirus Aid, Relief, and Economic Security Act ("Cares Act"), Public Law 116-136. Section 2102 of the CARES Act creates a new temporary federal program called Pandemic Unemployment Assistance (PUA) that in general provides up to 39 weeks of unemployment benefits. **You will need to apply for PUA to determine your eligibility under the program.** Additional information on how to apply for PUA can be found at <https://www.iowaworkforcedevelopment.gov/pua-information>.

DECISION:

The decision of the representative dated August 28, 2020, reference 01 is affirmed. Claimant is not eligible to receive unemployment insurance benefits, between the dates of March 18, 2020 and September 1, 2020.



Blair A. Bennett
Administrative Law Judge

October 21, 2020
Decision Dated and Mailed

bab/mh