

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**ANDREW C WILLIAMS**  
Claimant

**DEERE & COMPANY**  
Employer

**APPEAL 21A-UI-22473-DH-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 08/15/21**  
**Claimant: Appellant (2)**

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

**STATEMENT OF THE CASE:**

On October 11, 2021, the claimant, Andrew Williams, filed an appeal from the October 1, 2021 (reference 01) unemployment insurance decision that denied benefits based upon a determination that claimant was still employed in his job. The parties were properly notified of the hearing. A telephonic hearing was held on Tuesday, December 1, 2021. The claimant participated. The employer, Deere & Company, failed to call the toll-free number listed on the hearing notice and did not participate in the hearing. The administrative law judge took official notice of the administrative record.

**ISSUES:**

Is the claimant able to and available for work?  
Was the claimant on a voluntary leave of absence?

**FINDINGS OF FACT:**

Having heard the testimony and reviewed all of the evidence in the record, the administrative law judge finds: Claimant began his employment with employer on Monday, January 9, 2017. Claimant still works for the employer.

On August 11, 2021, claimant was on the job and perspiring more than normal, so he went to the nurse's station. Claimant's only complaint was that he was sweating more than normal, but otherwise felt fine. The nurse, out of an abundance of caution, sent claimant home with a COVID-19 test kit. Claimant clocked out after approximately two hours of work. Claimant took the test and tested positive for COVID-19 on August 12, 2021, which he reported this information to work, as required. Employer advised claimant that he was on a mandatory 10 day leave of absence as of the date of the positive test and he should return after the 10 day leave expires. Claimant was sent home on August 11, 2021 and on mandatory leave from August 11-21, 2021. His first scheduled day back was Monday, August 23, 2021, and claimant reported to work that day.

Pursuant to the employer's policy, claimant was required to stay home for ten days on top of the day he was sent home early. Claimant testified that he would have preferred to work, but he was required to stay home and quarantine but that he felt fine and was able to work, but for the pandemic policy of employer.

### **REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes claimant was able to and available for work. Benefits are allowed, provided claimant is otherwise eligible.

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.

Here, claimant was on a mandatory leave of absence from August 10-21, 2021. Claimant did not request a leave of absence during these weeks; he would have preferred to continue working. However, due to the pandemic and the risk of exposing coworkers to COVID-19, the employer required claimant to quarantine. Because it was the employer's choice that claimant was placed on a leave of absence and not claimant's choice, the administrative law judge finds that claimant was not on a voluntary leave of absence. Claimant was otherwise able to and available for work. Benefits are allowed, provided he is otherwise eligible.

**DECISION:**

The October 1, 2021 (reference 01) unemployment insurance decision is **REVERSED**. Claimant was able to work and available for work effective August 15, 2021. Benefits are allowed, provided he is otherwise eligible.



Darrin T. Hamilton  
Administrative Law Judge

January 7, 2022  
Decision Dated and Mailed

dh/scn