

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

STEFFANIE L YAROLEM
Claimant

FAMILY DOLLAR SERVICES INC
Employer

APPEAL 21A-UI-06100-DZ-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 11/08/20
Claimant: Appellant (2)

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

STATEMENT OF THE CASE:

Steffanie L Yarolem, the claimant/appellant, filed an appeal from the February 23, 2021, (reference 01) unemployment insurance decision that denied benefits as of November 8, 2020. The parties were properly notified about the hearing. A telephone hearing was held on May 3, 2021. Ms. Yarolem participated and testified. The employer registered for the hearing but was not available at the telephone number it provided at the time of the hearing.

ISSUES:

Is Ms. Yarolem able to and available for work?
Is Ms. Yarolem on a leave of absence?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Ms. Yarolem began working for the employer in September 2019. She works as a full-time order filler.

In March 2020, the United States declared a public health emergency because of the COVID-19 pandemic. The employer requires employees to notify the employer if they have come in contact with someone who tested positive for COVID-19, to get tested for COVID-19, self-quarantine for 10 days and provide a doctor's note releasing them to return to work.

On November 8, 2020, Ms. Yarolem informed the employer that she had come into contact with someone who had tested positive for COVID-19. Ms. Yarolem was tested for COVID-19 and received a negative result. Ms. Yarolem self-quarantined until November 18, 2020 and gave the employer a doctor's note releasing her to return to work. Ms. Yarolem returned to work on November 19, 2020.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes that Ms. Yarolem is able to and available for work from November 8, 2020 through November 18, 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(10) provide:

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.

In this case, Ms. Yarolem came in contact with someone who tested positive for COVID-19 but she did not test positive for COVID-19. The employer required her to not attend work for ten days, which Ms. Yarolem did. Ms. Yarolem was able to and available for work from November 8, 2020 through November 18, 2020. Benefits are allowed.

DECISION:

The February 23, 2021, (reference 01) unemployment insurance decision is reversed. Ms. Yarolem is able to and available for work from November 8, 2020 through November 18, 2020. Benefits are allowed during this time period.



Daniel Zeno
Administrative Law Judge
Unemployment Insurance Appeals Bureau
Iowa Workforce Development
1000 East Grand Avenue
Des Moines, Iowa 50319-0209
Fax 515-478-3528

May 10, 2021
Decision Dated and Mailed

dz/kmj