

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

JACK WOLFE
Claimant

APPEAL NO. 20A-UI-08472-B2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

ACTIVE THERMAL CONCEPTS INC
Employer

OC: 10/20/19
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 July 9, 2020 reference 01, which held claimant not able and available for work. After due notice, a hearing was scheduled for and held on August 31, 2020. Claimant participated personally. Employer participated by Matt Yemelcosky.

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 worked for employer as a full time insulation installer. In March of 2020, claimant asked for and was allowed to be off from work for the period between March 22, 2020 through April 6, 2020. Claimant did not contact employer nor give a doctor's note indicating that he was able to return to work after that date. On April 14, 2020 employer called claimant and offered him two different jobs; one where he had been working and another in Sioux City. Claimant often worked jobs in distant locations.

Claimant refused both of the job offers. Employer stated that there was ongoing work available for claimant throughout claimant's absences. Both of the jobs had ongoing needs. Claimant didn't accept any job offer until late June, 2020. He worked a few weeks for employer before quitting for other employment.

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".

Claimant in this matter asked for and received time off from work from March 22, 2020 through April 13, 2020. On April 13, 2020 claimant was offered valid work opportunities in two separate places. Claimant declined both of these work opportunities, thereby removing himself from the job market until claimant chose to make himself available on June 28, 2020. Claimant is not eligible to receive benefits between March 20, 2020 and June 28, 2020 as he was not able and available for valid work throughout this time.

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 July 9, 2020, reference 01 is affirmed. Claimant is not eligible to receive unemployment insurance benefits, effective March 22, 2020 through June 28, 2020.



Blair A. Bennett
Administrative Law Judge

September 2, 2020
Decision Dated and Mailed

bab/mh