

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

SHAQUITA TERRELL

Claimant

SECURITAS SECURITY SERVICES USA

Employer

APPEAL 21A-UI-04974-AD-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 05/10/20

Claimant: Appellant (5)

Iowa Admin. Code r. 871-24.23(10) – Leave of Absence
Iowa Code § 96.4(3) – Eligibility – A&A – Able to, available for, work search

STATEMENT OF THE CASE:

On February 5, 2021, Shaquita Terrell (claimant/appellant) filed a timely appeal from the Iowa Workforce Development decision dated January 29, 2021 (reference 05) that denied benefits from May 10 through May 23, 2020 based on a finding claimant placed restrictions on the employment she would accept.

A telephone hearing was held on April 16, 2021. The parties were properly notified of the hearing. Claimant participated personally. Securitas Security Services USA (employer/respondent) did not register a number for the hearing and did not participate.

Official notice was taken of the administrative record.

ISSUE(S):

- I. 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 June 2017. Claimant is still employed by employer. Claimant last performed work for employer on or about May 10, 2020. Claimant was employed full-time as a security officer.

Claimant learned around May 10, 2020 that several individuals at her worksite had contracted COVID-19. This was distressing to claimant, as she was pregnant and had a child at home who was particularly susceptible to COVID-19. Claimant raised these concerns with employer and was told there was no alternative work available at that time. However, employer offered that she could take time off until after her pregnancy. Claimant accepted this offer.

Claimant notified employer on or about October 11, 2020 that she was available to return to work. However, at that time employer did not have any work available for claimant. Claimant has

remained in touch with employer since that time but has not been offered work. Claimant has been searching for work elsewhere and has not restricted her employability. Claimant has been able and available to accept work if work was offered.

Claimant filed a weekly claim for benefits each week from the benefit week ending May 16, 2020 through the benefit week ending January 30, 2021.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the decision dated January 29, 2021 (reference 05) that denied benefits from May 10 through May 23, 2020 based on a finding claimant placed restrictions on the employment she would accept is MODIFIED with no change in effect.

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:

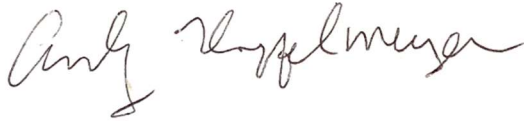
Availability disqualifications. The following are reasons for a claimant being disqualified for being unavailable for work.

(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.

The administrative law judge finds claimant did not place restrictions on the employment she would accept. However, claimant did agree to a leave of absence. In doing so, claimant made herself unavailable for work during this time. Claimant is therefore not eligible for benefits during this period.

DECISION:

The decision dated January 29, 2021 (reference 05) that denied benefits from May 10 through May 23, 2020 based on a finding claimant placed restrictions on the employment she would accept is MODIFIED with no change in effect. Claimant agreed to a leave of absence during this time and in so doing made herself unavailable for work. Benefits are therefore denied during this period.



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

April 22, 2021
Decision Dated and Mailed

abd/kmj

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 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>.