

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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**JIMMY R OTTS**  
Claimant

**ALUMINUM CO OF AMERICA  
DAVENPORT WORKS**  
Employer

**APPEAL NO. 20A-UI-07653-B2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 04/19/20**  
**Claimant: Appellant (2R)**

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

**STATEMENT OF THE CASE:**

Claimant filed an appeal from a decision of a representative dated June 30, 2020 reference 02, which held claimant not able and available for work. After due notice, a hearing was scheduled for and held on August 12, 2020. Claimant participated personally. Employer failed to respond to the hearing notice and did not participate.

**ISSUES:**

Whether claimant is able and available for work?

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant has been a full time employee of ALCOA since 2004. Recently, claimant was placed on a leave from the period of April 19, 2020 through May 16, 2020. Throughout this period, claimant remained able and available to work, but employer did not have work available for claimant.

On May 16, 2020 claimant was called back to work and has continued to work for employer.

**REASONING AND CONCLUSIONS OF LAW:**

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".

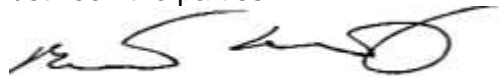
As claimant in this matter had nothing preventing him from being able to work for the period between April 20 and May 16, 2020 claimant is deemed able and available for work for that period. Additionally, claimant had not asked for nor received a leave of absence for this period of time.

This matter will be remanded to the fact finder for a determination of claimant's temporary separation from work for the period between April 19 and May 16, 2020.

**DECISION:**

The decision of the representative dated June 30, 2020, reference 02 is reversed. Claimant is eligible to receive unemployment insurance benefits, effective April 19, 2020, provided claimant meets all other eligibility requirements.

This matter is remanded to the fact finder for a determination of the temporary separation between the parties.



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Blair A. Bennett  
Administrative Law Judge

August 20, 2020  
Decision Dated and Mailed

bab/sam