

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

**TIMOTHY L JANSSEN**  
Claimant

**PELLA CORPORATION**  
Employer

**APPEAL NO. 21A-UI-05639-B2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 05/10/20**  
**Claimant: Appellant (1R)**

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 February 12, 2020 reference 02, which held claimant able and available for work. After due notice, a hearing was scheduled for and held on April 27, 2021. Claimant participated personally. Employer failed to respond to the hearing notice and did not participate.

**ISSUES:**

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 works as a full time glass specialist for employer. Claimant contracted Covid in October of 2020. Claimant asked for and was given time off from work while he recovered. Claimant filed for and received unemployment for the week ending October 31, 2020.

Claimant was approved for PUA benefits on February 22, 2021. Said benefits cover the week claimant was off from work and received unemployment benefits after having contracted Covid.

**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".

Iowa Admin. Code r. 871-24.22(1)a provides:

Benefits eligibility conditions. For an individual to be eligible to receive benefits the department must find that the individual is able to work, available for work, and earnestly and actively seeking work. The individual bears the burden of establishing that the individual is able to work, available for work, and earnestly and actively seeking work.

(1) Able to work. An individual must be physically and mentally able to work in some gainful employment, not necessarily in the individual's customary occupation, but which is engaged in by others as a means of livelihood.

a. Illness, injury or pregnancy. Each case is decided upon an individual basis, recognizing that various work opportunities present different physical requirements. A statement from a medical practitioner is considered prima facie evidence of the physical ability of the individual to perform the work required. A pregnant individual must meet the same criteria for determining ableness as do all other individuals.

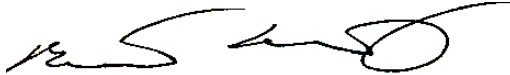
The claimant has not established the ability to work for the period between October 25-31, 2020. Benefits are withheld for that period. Benefits shall be allowed effective November 1, 2020 if claimant is otherwise eligible for benefits.

Claimant has been awarded PUA benefits in this matter.

**DECISION:**

The decision of the representative dated February 12, 2021, reference 02 is affirmed. Claimant is not eligible to receive unemployment insurance benefits, effective October 25-31, 2020. Claimant is deemed able and available for work after this period.

This matter will be remanded to the benefits bureau as claimant has been awarded PUA benefits that cover the period claimant is not qualified to receive ordinary state benefits.



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Blair A. Bennett  
Administrative Law Judge

April 30, 2021  
Decision Dated and Mailed

bab/scn