

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

BRENT L MURPHY

Claimant

WHIRLPOOL CORPORATION

Employer

APPEAL NO. 20A-UI-13525-B2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 03/29/20

Claimant: Appellant (2)

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 October 21, 2020 reference 01, which held claimant not able and available for work. After due notice, a hearing was scheduled for and held on December 29, 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?

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 full time for employer as a mechanical specialist. On or around July 12, 2020 claimant contacted employer in accordance with company policies to inform employer that he was in contact with his wife, and his wife had recently tested for Covid. According to company policy, anyone in contact with someone who has had a Covid test needs to be off from work for two weeks in order to prevent the spread of Covid. Later in July while claimant was still off from work, he had contact with his father who was also tested for Covid. Claimant told employer about this additional contact and employer requested that claimant stay off from work until August 1, 2020.

Claimant did not test positive for Covid. Claimant's wife did not test positive for Covid. Claimant's father did not test positive for Covid. At all times during the period of time claimant was off from work he was able and available to work and the only reason he did not work because company policies kept him from working. Employer implemented these policies in an effort to slow the spread of 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:

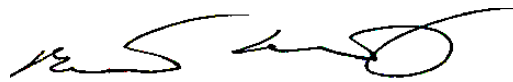
An unemployed individual shall be eligible to receive benefits with respect to any week only if the department finds that:

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".

The claimant has established the ability to work from the period between July 12, 2020 and August 1, 2020. Benefits are allowed for this period.

DECISION:

The decision of the representative dated October 21, 2020, reference 01 is reversed. Claimant is eligible to receive unemployment insurance benefits, effective July 12, 2020 through August 1, 2020, provided claimant meets all other eligibility requirements.



Blair A. Bennett
Administrative Law Judge

January 14, 2021
Decision Dated and Mailed

bab/scn