

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

RODOLFO H SALAZAR ALVARADO
Claimant

WHIRLPOOL CORPORATION
Employer

APPEAL 21A-UI-05071-DZ-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 06/30/19
Claimant: Appellant (1)**

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

STATEMENT OF THE CASE:

Rodolfo H Salazar Alvarado, the claimant/appellant, filed an appeal from the March 8, 2021, (reference 01) unemployment insurance decision that denied benefits as of June 7, 2020. The parties were properly notified about the hearing. A telephone hearing was held on April 19, 2021. Mr. Salazar Alvarado participated and testified. The employer did not register and did not participate.

ISSUES:

Is Mr. Salazar Alvarado able to and available for work?
Is Mr. Salazar Alvarado on a leave of absence?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Mr. Salazar Alvarado began working for the employer in 2013. He works as a full-time first class inspector.

The employer told employees that they could take up to two weeks off of work to provide care for their children. Mr. Salazar Alvarado asked to be off of work from June 3, 2020 through June 16, 2020 to care for his children. Usually, Mr. Salazar Alvarado's mother would help provide care but she was not able to help because a surgery. The employer granted Mr. Salazar Alvarado's request. He returned to work on June 17, 2020.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes that Mr. Salazar Alvarado was on a leave of absence from June 3, 2020 through June 16, 2020.

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.

In this case, Mr. Salazar Alvarado requested and the employer granted his request to be on a leave of absence to care for his children. It is completely understandable that Mr. Salazar Alvarado would do what he needed to do to care for his children. However, since he was not available to work during this time period, regular, state-funded unemployment insurance benefits are denied from June 3, 2020 through June 16, 2020.

Even though Mr. Salazar Alvarado is not eligible for regular unemployment insurance benefits under state law from June 3, 2020 through June 16, 2020, 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 during this time period. 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. An individual receiving PUA benefits may also receive up to the \$600 weekly benefit amount (WBA) under the Federal Pandemic Unemployment Compensation (FPUC) program if he or she is eligible for such compensation for the week claimed.

DECISION:

The March 8, 2021, (reference 01) unemployment insurance decision is affirmed. Mr. Salazar Alvarado was on a leave of absence from June 3, 2020 through June 16, 2020. Regular, state-funded unemployment insurance benefits are denied during this time period.



Daniel Zeno
Administrative Law Judge
Unemployment Insurance Appeals Bureau
Iowa Workforce Development
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Des Moines, Iowa 50319-0209
Fax 515-478-3528

April 22, 2021
Decision Dated and Mailed

dz/kmj

NOTE TO CLAIMANT:

- This decision determines you are not eligible for regular unemployment insurance benefits under state law from June 3, 2020 through June 16, 2020. If you disagree with this decision you may file an appeal to the Employment Appeal Board by following the instructions on the first page of this decision.
- If you do not qualify for regular unemployment insurance benefits under state law and are currently unemployed for reasons related to COVID-19, you may qualify for Pandemic Unemployment Assistance (PUA). **You will need to apply for PUA to determine your eligibility under the program.** For more information on how to apply for PUA, go to <https://www.iowaworkforcedevelopment.gov/pua-information>. **If you do not apply for and are not approved for PUA, you may be required to repay the benefits you've received so far.**
- To check on a PUA application you have already submitted, please call 866-239-0843.