

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

CAMREN A SEE
Claimant

PARCO LTD
Employer

APPEAL 20A-UI-04672-S1-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 03/29/20
Claimant: Respondent (2)

Iowa Code § 96.19(38)a & b – Total and Partial Unemployment
Iowa Code § 96.4(3) – Able and Available
871 IAC 24.24.23(26) – Same Hours and Wages – Still Employed
Iowa Code § 96.7(2)a(2) – Same Base Period Employment

STATEMENT OF THE CASE:

Parco (employer) appealed a representative's May 19, 2020, decision (reference 01) that concluded Camren See (claimant) was eligible to receive unemployment insurance benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on June 11, 2020. The claimant did not provide a telephone number and, therefore, did not participate in the hearing. The employer participated by Juliet Diaz, Human Resources Manager. The administrative law judge took official notice of the administrative file.

ISSUE:

The issue is whether the 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 that: The claimant was hired on August 17, 2018, as a part-time crew member. The claimant and the claimant's mother did not want the claimant to be scheduled for hours from April 1, 2020, through June 8, 2020. The claimant was not sick and did not indicate he had been exposed to anyone who was sick. The employer placed the claimant on an approved leave of absence. The claimant returned to work after June 8, 2020.

He filed his claim for unemployment insurance benefits with an effective date of March 29, 2020. After opening his claim, he did file a weekly claim and, therefore, did not receive any unemployment insurance benefits.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow the administrative law judge concludes the claimant was not able and available for work as of March 29, 2020.

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.

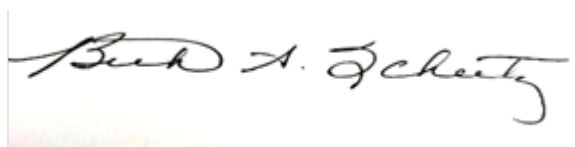
The claimant has the burden of proof in establishing his ability and availability for work. *Davoren v. Iowa Employment Security Commission*, 277 N.W.2d 602 (Iowa 1979). The claimant has the burden of proof but did not offer any testimony or evidence to show his ability and availability to work during the time period in question.

When employees request and are granted a leave of absence, they are considered to be voluntarily unemployed. The claimant requested a leave of absence for an unknown reason or due to an abundance of caution. The employer granted the request. The claimant is considered to be voluntarily unemployed, or unavailable for work, during the period of the leave of absence. He is not eligible to receive unemployment insurance benefits as of March 29, 2020.

Note to Claimant: This decision determines you are not eligible for regular unemployment insurance benefits. 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. Individuals who do not qualify for regular unemployment insurance benefits due to disqualifying separations, but who are currently 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 under the program.** Additional information on how to apply for PUA can be found at <https://www.iowaworkforcedevelopment.gov/pua-information>.

DECISION:

The representative's May 19, 2020, decision (reference 01) is reversed. The claimant was not able and available for work as of March 29, 2020. Benefits are denied.



Beth A. Scheetz
Administrative Law Judge

June 25, 2020
Decision Dated and Mailed

bas/scn