

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**LAURA J JORDISON**  
Claimant

**DEE ZEE INC**  
Employer

**APPEAL 21A-UI-07672-LJ-T**  
**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 12/20/20**  
**Claimant: Appellant (2)**

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

**STATEMENT OF THE CASE:**

On March 15, 2021, the claimant, Laura J. Jordison, filed an appeal from the March 5, 2021 (reference 01) unemployment insurance decision that denied benefits based upon a determination that claimant was on a leave of absence and was unavailable for work. The parties were properly notified of the hearing. A telephonic hearing was held on Tuesday, May 25, 2021. The claimant, Laura J. Jordison, participated. The employer, Dee Zee, Inc., participated through Lacey Little, HR Generalist. No exhibits were offered into the record. The administrative law judge took official notice of the administrative record.

**ISSUES:**

Is claimant Laura J. Jordison able to and available for work?  
Was claimant Laura J. Jordison on an approved leave of absence?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant has been employed full time with this employer, most recently as an assembly employee and a packager, since February 14, 2000. Claimant remains employed with this employer.

Claimant opened a claim for unemployment insurance benefits effective December 20, 2020, because she was off work that week for several reasons. Claimant missed the first several days of work that week because she was instructed by the employer to quarantine. Claimant explained that she reported to work on December 9 and had a fever. Pursuant to the employer's policy, claimant was required to quarantine for 14 days before returning to work. Claimant was then off work on December 25 because of the Christmas holiday. The employer was closed that day and there was no work available for claimant.

Claimant did not work at all the week of December 26, 2020. The packaging area where claimant worked was closed over the holiday, and no work was available for employees assigned to that area. Claimant would have worked if possible, but there was no work for her to perform.

## **REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes claimant is eligible for unemployment insurance benefits.

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.

Here, claimant was on a mandatory leave of absence during the majority of the week of December 20. Claimant did not request a leave of absence during these weeks; she would have preferred to continue working. However, due to the pandemic and the risk of exposing coworkers to COVID-19, the employer required claimant to quarantine. Because it was the employer's choice that claimant was placed on a leave of absence and not claimant's choice, the administrative law judge finds that claimant was not on a voluntary leave of absence. Claimant was otherwise able to and available for work that week. Benefits are allowed, provided she is otherwise eligible.

The following week, the week of December 27, the employer had no work available for claimant. Claimant was not on a voluntary leave of absence that week. Rather, she was on a forced leave because the employer had no work for her. Benefits are allowed for that week as well.

**DECISION:**

The March 5, 2021 (reference 01) unemployment insurance decision is reversed. Claimant was able to and available for work effective December 20, 2020, for the two-week period ending January 2, 2021. Benefits are allowed for those two weeks.



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Elizabeth A. Johnson  
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June 4, 2021  
Decision Dated and Mailed

lj/scn