

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**MARK MURRELL**  
Claimant

**SEARS MANUFACTURING CO**  
Employer

**APPEAL 21A-UI-16296-ED-T**  
**ADMINISTRATIVE LAW JUDGE**  
**DECISION**

**OC: 04/18/21**  
**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 July 23, 2021, the claimant, Mark Murrell, filed an appeal from the July 16, 2021 (reference 01) unemployment insurance decision that denied benefits. The parties were properly notified of the hearing. A telephonic hearing was held on Tuesday, September 14, 2021. The claimant, Mark Murrell, participated. The employer, Sears Manufacturing Co, did not register any witnesses and did not participate in the hearing. The administrative law judge took official notice of the administrative record.

**ISSUES:**

Was the claimant able to and available for work?  
Was the claimant on a voluntary leave of absence?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant began his employment as a full-time assembler and later, storekeeper, with employer Sears Manufacturing Co on November 13, 2017. Claimant still works for the employer.

During the week of April 20, 2020, claimant's friend was diagnosed with COVID-19. Claimant was tested as well and received a negative test result. Pursuant to the employer's policy, claimant was required to stay home until May 3, 2021. Claimant stayed home from work from April 20, 2021 until May 3, 2021 pursuant to the employer's policy. Claimant testified that he would have preferred to work that week, but he was required to stay home and quarantine.

Claimant testified that he tested negative for COVID-19 and felt well enough that he would not have stayed home from work outside the pandemic. However, due to the pandemic, claimant was required to report his friend's diagnosis and his contact with his friend to the employer. He was then required to stay home until May 3, 2021. Claimant did that and returned to work on May 3, 2021.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes claimant was able to and available for work. Benefits are allowed, provided claimant is otherwise eligible.

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:

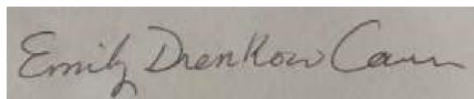
Availability disqualifications. The following are reasons for a claimant being disqualified for being unavailable for work.

(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 weeks of April 20, 2021 until May 3, 2021. Claimant did not request a leave of absence during these weeks; he 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. Benefits are allowed, provided he is otherwise eligible.

**DECISION:**

The July 16, 2021 (reference 01) unemployment insurance decision is reversed. Claimant was able to work and available for work. Benefits are allowed, provided he is otherwise eligible.



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Emily Drenkow Carr  
Administrative Law Judge  
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September 21, 2021  
Decision Dated and Mailed

ed/mh