

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

SHEILA K BROWN
Claimant

CLEARVIEW HOMES
Employer

APPEAL 20A-UI-09687-AD-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 03/22/20
Claimant: Appellant (5)**

Iowa Code § 96.5(1) – Voluntary Quitting

STATEMENT OF THE CASE:

On August 14, 2020, Sheila Brown (claimant/appellant) filed a timely appeal from the Iowa Workforce Development decision dated August 12, 2020 (reference 01) that denied benefits based on a finding claimant voluntarily quit work on March 22, 2020 for personal reasons.

A telephone hearing was held on September 28, 2020. The parties were properly notified of the hearing. The claimant participated personally. Clearview Homes (employer/respondent) did not register a number for the hearing and did not participate.

Official notice was taken of the administrative record.

ISSUE(S):

- I. Was the separation from employment a layoff, discharge for misconduct, or voluntary quit without good cause?
- II. Is the claimant able to and available for work?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds:

Claimant worked for employer part-time as a registered nurse. Claimant's first day of employment was May 10, 2019. The last day claimant worked on the job was on or about March 17, 2020. At that time, claimant began a leave of absence due to the pandemic. Specifically, claimant wished to self-isolate due to the medical condition of a family member. Employer agreed to this leave. Claimant has not voluntarily resigned nor been informed that her employment has been terminated. Claimant was not employed elsewhere at the same time, nor has she worked anywhere else since making herself unavailable for work.

REASONING AND CONCLUSIONS OF LAW:

For the reasons set forth below, the decision dated August 12, 2020 (reference 01) that denied benefits based on a finding claimant voluntarily quit work on March 22, 2020 for personal reasons

is MODIFIED with no change in effect. Claimant has not separated from employment and is therefore not disqualified on that basis. However, she is not available for work effective March 22, 2020 and is therefore not eligible for 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.

The evidence presented indicates claimant has not separated from employment. Therefore, she is not disqualified from benefits based on separation. However, claimant requested and was granted a leave of absence. In doing so, claimant made herself unavailable for work during this time. Claimant is therefore not eligible for benefits during this period.

While this decision denies regular, state benefits, the evidence indicates claimant may be eligible for federal Pandemic Unemployment Assistance (PUA). Further information on PUA, including how to apply, is set forth below.

DECISION:

The decision dated August 12, 2020 (reference 01) that denied benefits based on a finding claimant voluntarily quit work on March 22, 2020 for personal reasons is MODIFIED with no change in effect. Claimant has not separated from employment. However, she is not available for work effective March 22, 2020 and is therefore not eligible for benefits.



Andrew B. Duffelmeyer
Administrative Law Judge
Unemployment Insurance Appeals Bureau
1000 East Grand Avenue
Des Moines, Iowa 50319-0209
Fax (515) 478-3528

September 29, 2020
Decision Dated and Mailed

abd/scn

Note to Claimant:

If you disagree with this decision, you may file an appeal with the Employment Appeal Board by following the instructions on the first page of this decision. If this decision denies benefits, you may be responsible for paying back benefits already received.

Individuals who are disqualified from or are otherwise ineligible for **regular** unemployment insurance benefits but who are 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.** Additional information on how to apply for PUA can be found at <https://www.iowaworkforcedevelopment.gov/pua-information>.