

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**DESTINY M JONES**  
Claimant

**WHIRLPOOL CORPORATION**  
Employer

**APPEAL 20A-UI-00216-S1-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 12/01/19**  
**Claimant: Appellant (1)**

Iowa Code § 96.4-3 – Able and Available  
871 IAC 24.23(10) – Voluntary Leave of Absence

**STATEMENT OF THE CASE:**

Destiny Jones (claimant) appealed a representative's January 3, 2020, decision (reference 05) that concluded ineligibility to receive unemployment insurance benefits as of December 1, 2019, because a leave of absence was granted by Whirlpool Corporation (employer) at the claimant's request. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on January 28, 2020. The claimant participated personally. The employer did not provide a telephone number where it could be reached and therefore, did not participate in the hearing.

The claimant offered and Exhibit A was received into evidence. The administrative law judge took official notice of the administrative file.

**ISSUE:**

The issue is whether the claimant is 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 worked for the employer from July 2, 2019, to December 6, 2019. In the position of a door foam two employee, every two to three days the claimant was supposed to grab and pick up doors. Then place them on the robot. This required twisting and stretching.

The claimant was expecting a child that was due on June 4, 2020. On or about November 25, 2019, the claimant's midwife provided the employer with a "Medical Inquiry Form – ADA Reasonable Accommodation Request". The midwife wrote "Injury risk with Robot task in pregnancy is higher than acceptable. Please avoid this task and any others that require repetitive bending, lifting, and twisting".

The employer asked the midwife for clarification. On or about December 6, 2019, the midwife again reiterated the bending, lifting, twisting Robot task restrictions. An additional ten-pound weight restriction and frequent bathroom breaks was added to the doctor's note. On December 6, 2019, the employer left the claimant a voice message indicating the employer could not accommodate the claimant's restrictions and asked for a conference.

The claimant filed for unemployment insurance benefits with an effective date of December 1, 2019. The restrictions are still in effect as the claimant awaits the birth of the baby. In addition, the claimant has a two-year old child in the hospital.

**REASONING AND CONCLUSIONS OF LAW:**

The administrative law judge concludes the claimant is eligible to receive unemployment insurance benefits.

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.

When employees request and are granted a leave of absence, they are considered to be voluntarily unemployed. The request may be from the worker or from a physician and delivered to the employer. In essence, the claimant told the employer she could not perform the work she was hired to perform and, therefore, requested a medical leave of absence. The employer was not obligated to accommodate the claimant's request for an accommodation of a non-work-related medical issue but it did grant the request for a leave of absence. The claimant is considered to be voluntarily unemployed, or unavailable for work, during the period of the medical leave of absence and is not eligible to receive unemployment insurance benefits from December 1, 2019.

**DECISION:**

The representative's January 3, 2020, decision (reference 05) is affirmed. The claimant is considered to be unavailable for work and is not eligible to receive unemployment insurance benefits from December 1, 2019.

Should circumstances change and the disqualification can be removed, a copy of the doctor's release and notification should be made to the local workforce development center.

---

Beth A. Scheetz  
Administrative Law Judge

---

Decision Dated and Mailed

bas/rvs