

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

JULIA M ALVAREZ
Claimant

NORDSTROM INC
Employer

APPEAL 20A-UI-03536-S1-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 03/22/20
Claimant: Appellant (1/R)

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

STATEMENT OF THE CASE:

Julia Alvarez (claimant) appealed a representative's April 14, 2020, decision (reference 01) that concluded she was ineligible to receive unemployment insurance benefits as of March 22, 2020, because she was voluntarily unemployed with Nordstrom (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on May 18, 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 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 October 10, 2019, to January 9, 2020, as a full-time warehouse worker. The claimant completed leave paperwork in preparation for the birth of her third child. Her physician indicated she needed the time off work. The employer granted her twelve-weeks of unpaid leave and guaranteed her job when she returned.

The claimant was due in February 2020, but the child was born on January 11, 2020. The claimant's leave expired on or about April 2, 2020. On February 14, 2020, the claimant notified the employer that she did not intend to return to work. She was caring for her three children who were not in school or daycare.

The claimant filed for unemployment insurance benefits with an effective date of March 22, 2020. Her weekly benefit amount was determined to be \$327.00. The claimant did not receive any unemployment insurance benefits or federal pandemic unemployment compensation after her separation from employment.

REASONING AND CONCLUSIONS OF LAW:

The administrative law judge concludes the claimant is not 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 by the worker. The claimant requested a medical leave of absence and the employer granted the request. 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 as of January 11, 2020. The claimant can provide a doctor's note to the department releasing her to return to work.

The issue of whether the claimant voluntarily quit work without good cause attributable to the employer is remanded for determination.

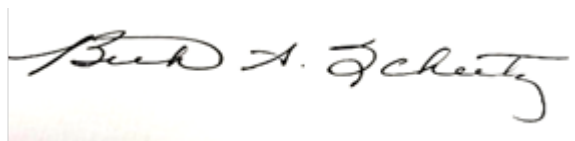
Note to Claimant: This decision determines you are not eligible for regular unemployment insurance benefits. If you disagree with this decision you may file an appeal to the Employment Appeal Board by following the instructions on the first page of this decision. Individuals who do not qualify for regular 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 April 14, 2020, decision (reference 01) is affirmed. The claimant is considered to be unavailable for work and is not eligible to receive unemployment insurance benefits as of January 11, 2020.

Should circumstances change and the disqualification can be removed, notification should be made to the local workforce development center. The claimant can provide a doctor's note to the department releasing her to return to work.

The issue of whether the claimant voluntarily quit work without good cause attributable to the employer is remanded for determination.

A handwritten signature in cursive script, reading "Beth A. Scheetz". The signature is written in black ink on a white background. Below the signature is a horizontal line.

Beth A. Scheetz
Administrative Law Judge

May 19, 2020
Decision Dated and Mailed

bas/scn