

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

BILLIJO LITZENBERG
Claimant

NORDSTROM INC
Employer

APPEAL 21A-UI-22967-AD-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 11/01/20
Claimant: Appellant (2)

Iowa Code section 96.4(3) – Able and Available

STATEMENT OF THE CASE:

On October 16, 2021, Billijo Litzenberg (claimant/appellant) filed an appeal from the October 14, 2021 (reference 01) unemployment insurance decision that denied benefits as of September 5, 2021 based on a finding claimant requested and was granted a leave of absence.

A telephone hearing was held on December 7, 2021. The parties were properly notified of the hearing. The claimant participated personally. Nordstrom Inc (employer/respondent) did not participate.

Official notice was taken of the administrative record.

ISSUES:

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's first day of employment was November 2006. Claimant is still employed by employer as a part-time warehouse associate. Claimant filed a claim for the week ending September 11, 2021. Employer held claimant out of work from September 1 through September 10 as a precaution due to her reporting potential symptoms of Covid-19. Claimant was not too ill to work and had tested negative for Covid-19. Claimant did not request to be off work during that time.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the October 14, 2021 (reference 01) unemployment insurance decision that denied benefits as of September 5, 2021 based on a finding claimant requested and was granted a leave of absence is REVERSED. Claimant is eligible for benefits in the week filed.

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".

Claimant did not request a leave of absence and was too ill to work during the period employer held her out of work. She was able and available for work during that week and is therefore eligible for benefits in that week.

DECISION:

The October 14, 2021 (reference 01) unemployment insurance decision that denied benefits as of September 5, 2021 based on a finding claimant requested and was granted a leave of absence is REVERSED. Claimant is eligible for benefits in the week filed.



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

December 15, 2021
Decision Dated and Mailed

abd/abd