

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

**BOBBI L DOBBS**  
Claimant

**ALUMINUM CO OF AMERICA**  
Employer

**APPEAL NO. 20A-UI-08421-B2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 04/19/20**  
**Claimant: Appellant (2)**

Iowa Admin. Code ch. 871 r. 24.23(10) – Leave of Absence  
Iowa Code § 96.4-3 – Able and Available  
Iowa Code § 96.3(7) – Recovery of Benefit Overpayment  
Federal Law PL 116-136 Sec. 2104 – Eligibility for Federal Pandemic Unemployment Compensation

**STATEMENT OF THE CASE:**

Claimant filed an appeal from a decision of a representative dated July 1, 2020 reference 01, which held claimant not able and available for work. After due notice, a hearing was scheduled for and held on August 28, 2020. Claimant participated personally. Employer failed to respond to the hearing notice and did not participate.

**ISSUE:**

Whether claimant is able and available for work?

Whether claimant is on an approved leave of absence?

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant works as a full time employee for employer and has since 1984.

On April 20, 2020 employer furloughed a great many employees, including claimant. Claimant remained off from work until June 1, 2020 when she was called back to work as business was reopening.

During the entire time claimant was off from work, she was able and available to work.

Claimant never asked for nor was given a leave of absence.

**REASONING AND CONCLUSIONS OF LAW:**

Iowa Code section 96.4(3) provides:

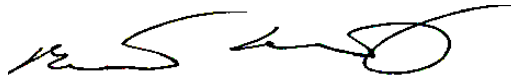
An unemployed individual shall be eligible to receive benefits with respect to any week only if the department finds that:

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".

In this matter, claimant remained able and available to work throughout the period of employer's furlough from April 20, 2020 through June 1, 2020. Claimant's missing work occurred exclusively because employer furloughed a large number of employees and not because claimant asked for or received a leave. Throughout the time on furlough, claimant remained able and available for work.

**DECISION:**

The decision of the representative dated July 1, 2020, reference 01 is reversed. Claimant is eligible to receive unemployment insurance benefits for the period between April 20, 2020 and June 1, 2020, provided claimant meets all other eligibility requirements.



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Blair A. Bennett  
Administrative Law Judge

August 31, 2020  
Decision Dated and Mailed

bab/scn