

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

KELLI A LOMAS
Claimant

ALUMINUM CO OF AMERICA
Employer

APPEAL NO. 20A-UI-06422-B2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 04/12/20
Claimant: Appellant (2)

Iowa Admin. Code ch. 871 r. 24.23(10) – Leave of Absence
Iowa Code § 96.4-3 – Able and Available

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated June 15, 2020 reference 01, which held claimant not able and available for work. After due notice, a hearing was scheduled for and held on July 23, 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 operator for employer. During the period between March 16, 2020 and April 13, 2020 claimant was off on sick leave. Claimant returned to work on April 13, 2020 and worked the next week.

On April 20, 2020 claimant and other similarly situated employees were furloughed by employer. This furlough lasted from April 20 through May 11, 2020. During this time, claimant remained able and available for work.

REASONING AND CONCLUSIONS OF LAW:

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.

Iowa Code section 96.4(3) provides:

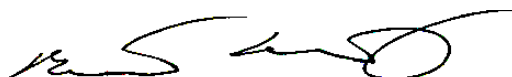
An unemployed individual shall be eligible to receive benefits with respect to any week only if the department finds that:

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".

The claimant has established the ability to work. She was able and available to work for the period between April 20 and May 11, 2020. She was not on a leave of absence during this time and did not work because the employer placed her on furlough. Benefits are allowed for this period.

DECISION:

The decision of the representative dated June 15, 2020, reference 01 is reversed. Claimant is eligible to receive unemployment insurance benefits, effective April 20, 2020, provided claimant meets all other eligibility requirements.



Blair A. Bennett
Administrative Law Judge

July 30, 2020
Decision Dated and Mailed

bab/scn