

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

---

**MORGAN N PARIS**  
Claimant

**APPEAL NO. 21A-UI-03122-B2-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**CARE INITIATIVES**  
Employer

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

---

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 January 5, 2021 reference 01, which held claimant not able and available for work. After due notice, a hearing was scheduled for and held on March 17, 2021. Claimant participated personally. Employer participated by hearing representative Alyce Smolsky and witness Alexa Saco.

**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 has worked for employer since 2015 as a part-time LPN. In October 2020 claimant came in contact with a person who had Covid. Employer followed CDC protocols and had claimant quarantine for a two-week time period. Claimant was off from work during the period from October 30 - November 13, 2020. Claimant did not have Covid.

Claimant received wages (employer assessed claimant's accrued vacation time for the time off from work) such that claimant reported more in weekly income than her weekly benefit amount. This would disqualify claimant from the receipt of benefits even if she were found to be eligible.

**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".

Inasmuch as the employer was following CDC guidelines by asking claimant to stay away from work during the quarantine period, claimant is deemed to not be able and available for work for that period. To rule otherwise would be to allow claimant to potentially infect patients while it was unsure if she was infectious. Benefits are denied for the period of October 30-November 13, 2020. Benefits shall be allowed effective November 14, 2020 if claimant is otherwise available.

**DECISION:**

The decision of the representative dated January 5, 2021, reference 01 is affirmed. Claimant is not eligible to receive unemployment insurance benefits, effective October 30, 2020 through November 13, 2020. Claimant is deemed able and available for work after November 13, 2020.



---

Blair A. Bennett  
Administrative Law Judge

March 19, 2021  
Decision Dated and Mailed

bab/ol