

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

JASON H MADISON
Claimant

**EAGLE WINDOW & DOOR
MANUFACTURING**
Employer

APPEAL 21A-UI-08894-JC-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC:03/29/20
Claimant: Appellant (4)

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

STATEMENT OF THE CASE:

The claimant/appellant, Jason H. Madison, filed an appeal from the March 24, 2021 (reference 01) Iowa Workforce Development (“IWD”) unemployment insurance decision that denied benefits. The parties were properly notified about the hearing. A telephone hearing was held on June 14, 2021. The claimant participated personally. The employer did not respond to the notice of hearing to furnish a phone number with the Appeals Bureau and did not participate in the hearing.

The administrative law judge took official notice of the administrative records. Based on the evidence, the arguments presented, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUES:

Was the claimant able and available for work during the period of March 29, 2020 through April 11, 2020?

Was the claimant voluntarily unemployed due to a leave of absence?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant has worked for this employer since 2002. Most recently, he has worked as a full-time materials handler. Claimant established his claim for unemployment insurance benefits with an effective date of March 29, 2020.

For the week of March 29, 2020 through April 4, 2020, claimant worked four hours on Monday, March 30, 2020. He was sent home the rest of the week due to a lack of work.

For the week of April 5, 2020 through April 11, 2020, claimant did not perform any work and was not paid wages by the employer. Employer asked claimant if he wanted a voluntary layoff and claimant stated “yes.” Had claimant declined the temporary layoff, he could have performed

work for the week ending April 11, 2020 (and likely a different employee would have been laid off.) Work was available to claimant for the week ending April 11, 2020.

The initial decision denied benefits on the basis claimant requested and was on an approved leave of absence.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge modifies the initial decision in favor of the claimant/appellant.

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 96.1A, subsection 38, paragraph "b", subparagraph (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".

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 Admin. Code r. 871-24.23(16) provides:

Availability disqualifications. The following are reasons for a claimant being disqualified for being unavailable for work.

(16) Where availability for work is unduly limited because a claimant is not willing to work during the hours in which suitable work for the claimant is available.

For an individual to be eligible to receive benefits, he must be able to work, available for work, and actively seeking work as required by the unemployment insurance law. Iowa Code § 96.4(3). The burden is on the claimant to establish that he is able and available for work within the meaning of the statute. Iowa Code § 96.6(2); Iowa Admin. Code r. 871-24.22.

The credible evidence presented is claimant did not request a leave of absence and was not granted a leave of absence. Rather, for the week of March 29, 2020 through April 4, 2020,

claimant was able and available for work, but temporarily laid off due to a lack of work. Benefits are allowed for this week, provided he is otherwise eligible.

For the week of April 5, 2020 through April 11, 2020: Claimant was not involuntarily unemployed due to a lack of work or by no fault of his own. Claimant chose to take a voluntary layoff rather than perform work. Because there was work available but claimant chose to be laid off, he does not meet the availability requirement to be eligible for benefits for this week, and benefits are denied.

DECISION:

The unemployment insurance decision dated March 24, 2021 (reference 01) initial decision is MODIFIED IN FAVOR OF CLAIMANT/APPELLANT. The claimant did not request a leave of absence.

The claimant was able to and available for work for the week of March 29, 2020 through April 4, 2020. Benefits are allowed, provided he is otherwise eligible.

The claimant was not able and available for work effective April 5-April 11, 2020. Regular unemployment insurance benefits funded by the state of Iowa are denied.



Jennifer L. Beckman
Administrative Law Judge
Unemployment Insurance Appeals Bureau
Iowa Workforce Development
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Fax 515-478-3528

June 28, 2021
Decision Dated and Mailed

jlb/lj

NOTE TO CLAIMANT: Individuals who do not qualify for regular unemployment insurance benefits, but who are unemployed or continue to be 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>. If this decision becomes final or if you are not eligible for PUA, you may have an overpayment of benefits.

ATTENTION: On May 11, 2021, Governor Reynolds announced that Iowa will end its participation in federal pandemic-related unemployment benefit programs effective June 12, 2021. The last payable week for PUA in Iowa will be the week ending June 12, 2021. Additional information can be found in the press release at <https://www.iowaworkforcedevelopment.gov/iowa-end-participation-federal-unemployment-benefit-programs-citing-strong-labor-market-and>.

You may find information about food, housing, and other resources at <https://covidrecoveryiowa.org/> or at <https://dhs.iowa.gov/node/3250>

Iowa Finance Authority also has additional resources at <https://www.iowafinance.com/about/covid-19-ifa-recovery-assistance/>