

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

ANN C JACH
Claimant

GOODWILL INDUSTRIES OF NE IA INC
Employer

APPEAL 21A-UI-22128-LJ-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 05/02/21
Claimant: Appellant (1)

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

STATEMENT OF THE CASE:

On September 29, 2021, claimant Ann C. Jach filed an appeal from the September 20, 2021 (reference 02) unemployment insurance decision that denied benefits based on a determination that the claimant was on a leave of absence and was not available for work. The parties were properly notified of the hearing. A telephonic hearing was held at 8:00 a.m. on Monday, November 29, 2021. The claimant, Ann C. Jach, participated. The employer, Goodwill Industries of Northeast Iowa, participated through witness Margee Woywood, Director of Mission Services; and hearing representative Thomas Kuiper represented the employer. Claimant's Exhibit A was received and admitted into the record without objection. The administrative law judge took official notice of the administrative record.

ISSUES:

Was the claimant able to work and available for work effective August 8, 2021?
Was the claimant on an approved leave of absence effective August 8, 2021?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant began working for the employer on February 7, 2014. She currently works for the employer as a part-time community trainer. In this position, claimant works between ten and fourteen hours per week.

Claimant initially opened her claim for unemployment insurance benefits effective May 2, 2021. Subsequently, she reopened her claim effective August 8, 2021, after taking a leave of absence from work due to COVID-19. On August 6, 2021, claimant's husband was diagnosed with COVID-19. Claimant contacted Woywood, notified her of the exposure, and requested to quarantine for ten days. Woywood approved claimant's request to quarantine. Claimant returned to work on Tuesday, August 17, 2021.

The employer offers employees the option of taking a COVID-19 test and returning to work immediately if they test negative, rather than quarantining. Claimant did not request to take a

COVID-19 test and return to work. The employer remained open and operating during claimant's quarantine.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes claimant was not available for work.

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".

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.

Here, claimant was on a voluntary leave of absence during the week of August 8, 2021. Claimant had been exposed to COVID-19 via her husband. The employer allowed claimant to either quarantine for ten days or to test and then return to work once she tested negative, and claimant opted to quarantine. Because it was the claimant's choice to remove herself from work for a week, the administrative law judge finds that claimant was on a voluntary leave of absence. Claimant was not able to and available for work. Benefits are withheld.

DECISION:

The September 20, 2021 (reference 02) unemployment insurance decision is affirmed. Claimant was not available for work effective August 8, 2021, as she was on a leave of absence. Benefits are withheld.



Elizabeth A. Johnson
Administrative Law Judge
Unemployment Insurance Appeals Bureau

December 8, 2021
Decision Dated and Mailed

lj/lj