

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

68-0157 (9-06) - 3091078 - EI

**DEASHA L FINAUGA**  
Claimant

**APPEAL NO: 20A-UI-11028-JE-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**CARE INITIATIVES**  
Employer

**OC: 05/24/20**  
**Claimant: Appellant (1)**

871 IAC 24.23(10) – Leave of Absence  
Section 96.4-3 – Able and Available

**STATEMENT OF THE CASE:**

The claimant filed a timely appeal from the September 2, 2020, reference 01, decision that denied benefits. After due notice was issued, a hearing was held by telephone conference call before Administrative Law Judge Julie Elder on October 28, 2020. The claimant participated in the hearing. Corena Thomsen; Office Manager; Brook Benese, Administrator; and Alyce Smolsky, Employer Representative; participated in the hearing on behalf of the employer. Kristen Beck, Equifax Auditing Manager, observed the hearing.

**ISSUE:**

The issue is whether the claimant is able and available for work and whether she is on a leave of absence.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was hired by Care Initiatives as a full-time CNA. She was on a leave of absence from May 26, 2020 to June 23, 2020. The claimant was exposed to Covid-19 by family members and had to quarantine beginning May 26, 2020. Her mother had Covid-19 and the claimant went to the hospital and picked her up and was told she needed to quarantine again as a result. When the claimant was ready to return her roommate was experiencing symptoms and the claimant did not pass the screening test to enter the building and had to quarantine for 10 more days. She returned to work June 23, 2020.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the claimant is not able and available for work and did take a leave of absence.

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:

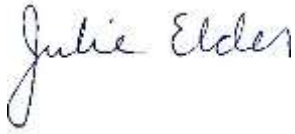
Availability disqualifications. The following are reasons for a claimant being disqualified for being unavailable for work.

(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.

The claimant was on a leave of absence from May 26 through June 23, 2020, and is not considered able and available for work while on a leave of absence. In order to be eligible for regular state unemployment insurance benefits, a claimant must be able and available for work. When a claimant is on a leave of absence she is not considered able and available for work. Therefore, benefits must be denied.

**DECISION:**

The September 2, 2020, reference 01, decision is affirmed. The claimant is not able and available for work and did take a leave of absence effective May 26, 2020. Benefits are withheld until such time as the claimant makes herself available for work to the extent she was available during the base period history and the employer has no comparable or suitable work available.



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Julie Elder  
Administrative Law Judge

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October 30, 2020  
Decision Dated and Mailed

je/sam

*Note to Claimant:* This decision determines you are not eligible for regular unemployment insurance benefits. If you disagree with this decision you may file an appeal to the Employment Appeal Board by following the instructions on the first page of this decision. Individuals who do not qualify for regular unemployment insurance benefits, but who are currently 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>.