

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

HEIDI L RUHLAND

Claimant

THE UNIVERSITY OF IOWA

Employer

APPEAL 21A-UI-16404-JC-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 05/16/21

Claimant: Appellant (2R)

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, Heidi L. Ruhland, filed an appeal from the July 20, 2021 (reference 01) Iowa Workforce Development (“IWD”) unemployment insurance decision that denied benefits and stated she was ineligible for benefits due to a requested leave of absence. The parties were properly notified about the hearing. A telephone hearing was held on September 16, 2021. The claimant participated personally. The employer participated through Scott Coons.

The administrative law judge took official notice of the administrative records. Claimant Exhibits 1 and 2 were received. 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 to work and available for work effective May 16, 2021?
Was the claimant voluntarily unemployed due to a requested leave of absence?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant works in the student health clinic. When claimant was hired, she was informed that she would not be working summers, and would work August-May, with the fall and spring terms of school. Claimant has no other employers and does not customarily work in the summer. Claimant resumed employment in fall 2021. Claimant was otherwise able and available for work.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant is able and 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 96.1A, 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".

For an individual to be eligible to receive benefits, she 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 she 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 was able and available for work effective May 16, 2021. Benefits are allowed on this basis, provided she is otherwise eligible.

The crux of claimant's eligibility claim is whether she had reasonable assurance and was on a customary recess/break under Iowa Code § 96.4(5)/ Iowa Admin. Code r. 871-24.52(9). This issue is remanded to the Benefits Bureau for an initial investigation and decision.

DECISION:

The July 20, 2021 (reference 01) initial decision is reversed. The claimant was able and available for work effective May 16, 2021 and benefits are allowed, provided she is otherwise eligible.

REMAND: The issue of whether claimant had reasonable assurance and was on a customary recess/break under Iowa Code § 96.4(5)/ Iowa Admin. Code r. 871-24.52(9) is remanded to the Benefits Bureau of Iowa Workforce Development for an initial investigation and determination.



Jennifer L. Beckman
Administrative Law Judge
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October 15, 2021
Decision Dated and Mailed

jlb/scn