

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**MIKE BARNES
1175 248th ST
WAVERLY IA 50677-9222**

**DEERE & COMPANY
c/o TAX DEPT
1 JOHN DEERE PL
MOLINE IL 61265**

**DIA APPEAL NO. 21IWDUI0087
IWD APPEAL NO. 20A-UI-07992**

**ADMINISTRATIVE LAW JUDGE
DECISION**

APPEAL RIGHTS:

This Decision Shall Become Final, unless within fifteen (15) days from the mailing date below the administrative law judge's signature on the last page of the decision, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to:

***Employment Appeal Board
4th Floor – Lucas Building
Des Moines, Iowa 50319
or
Fax (515) 281-7191***

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

AN APPEAL TO THE BOARD SHALL STATE CLEARLY:

The name, address and social security number of the claimant.

A reference to the decision from which the appeal is taken.

That an appeal from such decision is being made and such appeal is signed.

The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

SERVICE INFORMATION:

A true and correct copy of this decision was mailed to each of the parties listed.

ONLINE RESOURCES:

UI law and administrative rules: <https://www.iowaworkforcedevelopment.gov/unemployment-insurance-law-and-administrative-rules>

UI Benefits Handbook: <https://www.iowaworkforcedevelopment.gov/unemployment-insurance-benefits-handbook-guide-unemployment-insurance-benefits>

Handbook for Employers and forms: <https://www.iowaworkforcedevelopment.gov/employerforms>

Employer account access and information: <https://www.myiowaui.org/UIIPTaxWeb/>

National Career Readiness Certificate and Skilled Iowa Initiative: <http://skillediowa.org/>

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

MIKE BARNES

Claimant

DEERE & COMPANY

Employer

DIA APPEAL NO. 21IWDUI0087

IWD APPEAL NO. 20A-UI-07992

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 04/12/20

Claimant: Appellant (1)

Iowa Code § 96.4(3) – Able to and Available for Work

STATEMENT OF THE CASE:

The claimant/appellant filed an appeal from the June 25, 2020 (reference 04) unemployment insurance decision denying benefits. The parties were properly notified of the hearing. A telephone hearing was held on September 3, 2020. The claimant, Mike Barnes, participated personally. The employer, Deere & Company (Deere), did not participate in the hearing. The administrative law judge took administrative notice of the claimant's unemployment insurance benefits records including the fact-finding documents.

ISSUES:

Was the claimant able to and available for work; or whether the claimant was on an approved leave of absence.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds:

Mike Barnes has worked as a factory worker for Deere's Waterloo, Iowa foundry since September 1997. His duties include operating a melting furnace to melt iron, which is then poured into molds for use in manufacturing tractors. Barnes worked full-time in this position, from 6:00 a.m. to 2:30 p.m., Mondays through Fridays. Travis Langdale is Barnes' direct supervisor.

Barnes and his wife have three children, ages 12, 11 and 9. In late March 2020, his children's school(s) closed for in-person learning. To help employees in similar circumstances, Deere offered the option to take a leave of absence and receive 67% of the employee's average pay for a specified time period. Barnes took advantage of this program, and was off work through June 7, 2020, in order to care for his children. He did not look for other work during this time period.

Barnes filed an application for unemployment insurance on April 12, 2020, in hopes of making up the lost 33% pay during the time period between April 12, and June 8, 2020. Barnes returned to work on June 8, 2020, and has worked full-time until recently, when he injured his back.

REASONING AND CONCLUSIONS OF LAW:

The June 25, 2020, unemployment insurance decision that found Barnes ineligible for benefits is affirmed.

An unemployed individual is eligible for unemployment insurance benefits only if the individual is able to and available for work. Iowa Code § 96.4(3); Iowa Admin. Code r. 871-24.22. Additionally, “[a] leave of absence negotiated with the consent of both parties, employer and employee, is deemed a period of voluntary unemployment for the employee-individual, and the individual is considered ineligible for benefits for the period.” Iowa Admin. Code r. 871-24.22.

Barnes was not able and available for work between April 12, and June 8, 2020. Because of the COVID-19 pandemic, Barnes requested and received a leave of absence to stay home and care for his children. He therefore was not available for work and was not eligible for unemployment insurance benefits during this time.

Even though Barnes was not eligible for regular unemployment insurance benefits under state law during this time, he may be eligible for federally-funded unemployment insurance benefits under the Coronavirus Aid, Relief, and Economic Security Act (“Cares Act”), Public Law 116-136. Section 2102 of the CARES Act creates a new temporary federal program called Pandemic Unemployment Assistance (PUA) that generally provides up to 39 weeks of unemployment benefits. Additional information about PUA is at the end of this decision.

DECISION:

The June 25, 2020 (reference 04) unemployment insurance decision is **AFFIRMED**. The claimant was not able to and available for work during the time period from April 12, to June 8, 2020. He returned to full-time employment on June 8, 2020. Benefits are denied.



Carla J. Hamborg
Administrative Law Judge

September 3, 2020
Decision Dated and Mailed

CJH/lb

cc: Mike Barnes, Claimant (by first class mail)
Deere & Company, Employer (by first class mail)
Nicole Merrill, IWD (by email)
Joni Benson, IWD (by email)

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 due to disqualifying separations, 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>.