

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

VERNON S BELL
Claimant

**ALUMINUM CO OF AMERICA
DAVENPORT WORKS**
Employer

**APPEAL 20A-UI-08093-AW-T
ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 04/19/20
Claimant: Appellant (2)**

Iowa Code § 96.4(3) – Ability to and Availability for Work
Iowa Admin. Code r. 871-24.22(2)j – Benefit Eligibility Conditions – Leave of Absence
Iowa Admin. Code r. 871-24.23(10) – Availability Disqualifications – Leave of Absence

STATEMENT OF THE CASE:

Claimant filed an appeal from the July 2, 2020 (reference 01) unemployment insurance decision that denied benefits. The parties were properly notified of the hearing. A telephone hearing was held on August 21, 2020, at 11:00 a.m. Claimant participated. Employer did not participate. No exhibits were admitted.

ISSUES:

Whether claimant was able to and available for work.
Whether 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: Claimant began his employment with Aluminum Company of America on December 13, 2010. In 2016, Aluminum Company of America split into two companies: Arconic and Aluminum Company of America. After the split, claimant was employed by Arconic. In 2020, Arconic split into two companies: Arconic and Howmet Aerospace. After the split, claimant remained employed by Arconic. Claimant is employed as a full-time coil operator. Employer furloughed employees from April 19, 2020 until May 17, 2020 due to lack of work as a result of Covid-19. During the furlough, claimant worked no hours and earned no wages from employer. Claimant filed an initial claim for benefits effective April 19, 2020. Claimant was able to and available for work from April 19, 2020 until May 17, 2020. Claimant was not on an approved leave of absence.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant was able to and available for work and was not on an approved leave of absence. Benefits are allowed.

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. 871-24.22(2)j provides:

Benefit eligibility conditions. For an individual to be eligible to receive benefits the department must find that the individual is able to work, available for work, and earnestly and actively seeking work. The individual bears the burden of establishing that the individual is able to work, available for work, and earnestly and actively seeking work.

j. Leave of absence. 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.

(1) If at the end of a period or term of negotiated leave of absence the employer fails to reemploy the employee-individual, the individual is considered laid off and eligible for benefits.

(2) If the employee-individual fails to return at the end of the leave of absence and subsequently becomes unemployed the individual is considered as having voluntarily quit and therefore is ineligible for benefits.

(3) The period or term of a leave of absence may be extended, but only if there is evidence that both parties have voluntarily agreed.

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.

Claimant was furloughed by employer; claimant was not on a voluntary leave of absence. Claimant was able to and available for work. Benefits are allowed provided claimant is otherwise eligible.

DECISION:

The July 2, 2020 (reference 01) unemployment insurance decision is reversed. Claimant was able to and available for work and was not on an approved leave of absence. Benefits are allowed provided claimant is otherwise eligible.



Adrienne C. Williamson
Administrative Law Judge
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August 26, 2020
Decision Dated and Mailed

acw/sam