

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**EMILY J PRATT**  
Claimant

**FOCUS SERVICES LLC**  
Employer

**APPEAL 21A-UI-23644-CS-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 08/29/21**  
**Claimant: Appellant (4)**

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 October 22, 2021, the claimant/appellant filed an appeal from the October 18, 2021, (reference 01) unemployment insurance decision that denied benefits based on claimant not being able to work and available due to illness. The parties were properly notified about the hearing. A telephone hearing was held on December 14, 2021. Claimant participated at the hearing. Employer did not call into participate during the hearing. Exhibit A was admitted into the record. Administrative notice was taken of claimant's unemployment insurance benefits records.

**ISSUES:**

Is the claimant able to and available for work?

Is the claimant 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 working for employer on May 21, 2019. Claimant works as a full-time continuations trainer. Claimant works Monday through Friday 9:30 a.m.-6:00 p.m.

The employer has a policy that requires employees to go on a mandatory quarantine for 10 days if employees test positive for COVID.

Claimant tested positive for COVID. The claimant notified her employer of her positive COVID test and was put on a mandatory quarantine beginning August 31, 2021, through September 12, 2021. Claimant returned to work on September 13, 2021.

Claimant is an asthmatic and she began having problems breathing. Claimant could not talk and breathe. Claimant's job requires her to do both. Claimant began having body aches. Claimant

began feeling better on September 8, 2021. Claimant could not work during from August 31, 2021, through September 7, 2021 due to her symptoms.

### REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes as follows:

Iowa Code § 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 § 96.19, subsection 38, paragraph "b", subparagraph 1, or temporarily unemployed as defined in § 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 § 96.5, subsection 3 are waived if the individual is not disqualified for benefits under § 96.5, subsection 1, paragraph "h".

Iowa Admin. Code 871. 24.22(2) provides:

Available for work. The availability requirement is satisfied when an individual is willing, able, and ready to accept suitable work which the individual does not have good cause to refuse, that is, the individual is genuinely attached to the labor market. Since, under unemployment insurance laws, it is the availability of an individual that is required to be tested, the labor market must be described in terms of the individual. A labor market for an individual means a market for the type of service which the individual offers in the geographical area in which the individual offers the service. Market in that sense does not mean that job vacancies must exist; the purpose of unemployment insurance is to compensate for lack of job vacancies. It means only that the type of services which an individual is offering is generally performed in the geographical area in which the individual is offering the services.

h. Available for part of week. Each case must be decided on its own merits. Generally, if the individual is available for the major portion of the workweek, the individual is considered to be available for 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.

(Emphasis added).

Iowa Admin. Code r. 871-24.23(1) provides:

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

(1) An individual who is ill and presently not able to perform work due to illness.

Here, claimant was put on a mandatory leave of absence between August 31, 2021, and September 12, 2021. The claimant was ill and could not work from August 31, 2021, through September 7, 2021. Since claimant was ill and not able to perform work due to her illness she is disqualified from benefits August 31, 2021, through September 7, 2021.

Claimant could have returned to work on September 8, 2021, but the employer's policy would not allow her to return. Beginning September 8, 2021, claimant was able to work and available for work. The administrative law judge finds claimant was not on a voluntary leave of absence and she is eligible for benefits effective September 8, 2021. Since claimant was available for the major portion of the workweek claimant is eligible for benefits for the week ending September 11, 2021.

**DECISION:**

The October 18, 2021 (reference 01) unemployment insurance decision is modified in favor of the appellant. Claimant was not able to and available for work August 31, 2021, through September 7, 2021. Benefits are denied for week ending September 4, 2021. Claimant was able to and available for work effective September 8, 2021. Since claimant was available for the major portion of the workweek benefits are allowed beginning week ending September 11, 2021.



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Carly Smith  
Administrative Law Judge  
Unemployment Insurance Appeals Bureau

January 20, 2022  
Decision Dated and Mailed

cs/mh

**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 were 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>. If this decision becomes final or if you are not eligible for PUA, you may have an overpayment of benefits.

**ATTENTION:** On May 11, 2021, Governor Reynolds announced that Iowa will end its participation in federal pandemic-related unemployment benefit programs effective June 12, 2021. The last payable week for PUA in Iowa is the week ending June 12, 2021. You may be eligible for benefits incurred prior to June 12, 2021. Additional information can be found in the press release at <https://www.iowaworkforcedevelopment.gov/iowa-end-participation-federal-unemployment-benefit-programs-citing-strong-labor-market-and>.