

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

PAUL S WILCOX
Claimant

PARKER-HANNIFIN CORP
Employer

APPEAL 20A-UI-11996-AD-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 04/26/20
Claimant: Appellant (1)**

Iowa Admin. Code r. 871-24.23(10) – Voluntary Leave of Absence

STATEMENT OF THE CASE:

On September 24, 2020, Paul Wilcox (claimant/appellant) filed an appeal from the September 21, 2020 (reference 01) unemployment insurance decision that denied benefits as of April 26, 2020 based on a finding claimant requested and was granted a leave of absence.

A telephone hearing was held on November 13, 2020. The parties were properly notified of the hearing. The claimant participated personally. Parker-Hannifin Corp (employer/respondent) participated by HR Manager Nicole Houck.

Official notice was taken of the administrative record.

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's first day of employment was June 5, 1981. Claimant was employed full-time as a hose assembler. The last day claimant worked on the job was October 20, 2020. Claimant retired at that time.

Claimant was unavailable for work from April 24, 2020 and continuing until October 12, 2020. There was work available for claimant during this time. Claimant's physician initially took him off work due to the pandemic and claimant being at an elevated risk due to his medical conditions. Claimant was subsequently taken off work for other medical reasons beginning June 23, 2020. Claimant returned to work on October 12, 2020, for approximately one week before retiring.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the September 21, 2020 (reference 01) unemployment insurance decision that denied benefits as of April 26, 2020 based on a finding claimant requested and was granted a leave of absence is AFFIRMED.

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.

Claimant was unavailable for work from April 24, 2020 and continuing until October 12, 2020. Claimant effectively requested and was granted a leave of absence during this period, initially based on his doctor's orders relating to the pandemic and subsequently due to a medical procedure. In doing so, claimant made himself unavailable for work during this time. Claimant is therefore not eligible for benefits during this period.

While this decision denies regular, state benefits, the evidence indicates claimant is likely eligible for federal Pandemic Unemployment Assistance (PUA). Further information on PUA, including how to apply, is set forth below.

DECISION:

The September 21, 2020 (reference 01) unemployment insurance decision that denied benefits as of April 26, 2020 based on a finding claimant requested and was granted a leave of absence is AFFIRMED. Claimant requested and was granted a leave of absence. Claimant does not meet the availability requirements to receive benefits during that time. Benefits are denied.



Andrew B. Duffelmeyer
Administrative Law Judge
Unemployment Insurance Appeals Bureau
1000 East Grand Avenue
Des Moines, Iowa 50319-0209
Fax (515) 478-3528

November 19, 2020
Decision Dated and Mailed

abd/mh

Note to Claimant:

If you disagree with this decision, you may file an appeal with the Employment Appeal Board by following the instructions on the first page of this decision. If this decision denies benefits, you may be responsible for paying back benefits already received.

Individuals who are disqualified from or are otherwise ineligible for **regular** unemployment insurance benefits but who are 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.** Additional information on how to apply for PUA can be found at <https://www.iowaworkforcedevelopment.gov/pua-information>.