

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

**DAMARIS Y SANDOVAL**  
Claimant

**SWIFT PORK COMPANY**  
Employer

**APPEAL 20A-UI-07086-AD-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 04/12/20**  
**Claimant: Appellant (1)**

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

**STATEMENT OF THE CASE:**

On June 24, 2020, Damaris Sandoval (claimant/appellant) filed an appeal from the June 15, 2020 (reference 01) unemployment insurance decision that denied benefits.

A telephone hearing was held on August 4, 2020. The parties were properly notified of the hearing. The claimant participated personally through a Spanish-language interpreter. Swift Pork Company (employer/respondent) did not register a number for the hearing and did not participate.

**ISSUES:**

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 works for employer full-time. Claimant's first day of employment was May 27, 2003. Claimant's doctor took her off work from April 14 through May 25, 2020. This was due to having COVID-like symptoms and subsequently due to other health issues, including a weakened immune system. Claimant returned to work on May 25, 2020.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the June 15, 2020 (reference 01) unemployment insurance decision that denied benefits 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.

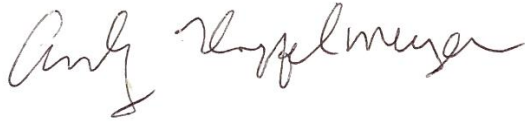
(10) The claimant requested and was granted a leave of absence, such period is deemed to be a period of voluntary unemployment and shall be considered ineligible for benefits for such period.

Claimant requested and was granted a leave of absence from April 14 through May 25, 2020. Claimant was not available for work during this time and as such is not eligible for benefits during that period.

The administrative law judge wishes to note that while this decision denies regular, state unemployment benefits, the evidence presented indicates claimant may well be eligible for Pandemic Unemployment Assistance (PUA). Further information on PUA and how to apply is set forth below.

**DECISION:**

The June 15, 2020 (reference 01) unemployment insurance decision that denied benefits is **AFFIRMED**. Claimant is ineligible for benefits effective with the benefit week ending April 18, 2020, and continuing through the benefit week ending May 23, 2020, as she was not available for work during that time.



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

August 10, 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 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.** Additional information on how to apply for PUA can be found at <https://www.iowaworkforcedevelopment.gov/pua-information>.