

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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**ALEJANDRA N BARRIOS MUNOZ**  
Claimant

**PINNACLE HEALTH FACILITIES XVII L**  
Employer

**APPEAL 20A-UI-08467-AD-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 05/10/20  
Claimant: Appellant (4)**

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

**STATEMENT OF THE CASE:**

On July 9, 2020, Alejandra Munoz Barrios (claimant/appellant) filed an appeal from the July 6, 2020 (reference 01) unemployment insurance decision that denied benefits as of May 10, 2020, based on a finding claimant requested and was granted a leave of absence.

A telephone hearing was held on August 28, 2020. The parties were properly notified of the hearing. The claimant participated personally. Pinnacle Health Facilities XVII L (employer/respondent) did not register a number for the hearing and did not participate.

Claimant's Exhibits 1-3 were admitted. 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 began working for employer in July 2015. Claimant is still employed by employer. Claimant worked as a full-time CNA prior to the events at issue here.

Claimant provided a doctor's note to employer on April 27, 2020, which recommended she work from home or that her potential exposure to COVID-19 be otherwise limited. She provided another doctor's note on May 1, directing she stay home from work for at least seven days due to having symptoms of a respiratory illness. Claimant's sister and son subsequently tested positive for COVID-19, and so she had to quarantine for two more weeks after that.

When claimant was able to return to work, she contacted employer's Director of Nursing. She was informed that since she was out for so long and would be going on maternity leave shortly, she

would be scheduled as PRN or as-needed rather than returning to her full-time CNA position. She was available for full-time work for approximately four weeks beginning on or about June 8, 2020 and continuing until her maternity leave began on July 7, 2020. She is still on an unpaid, 12-week maternity leave at this time.

### **REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the July 6, 2020 (reference 01) unemployment insurance decision that denied benefits as of May 10, 2020, based on a finding claimant requested and was granted a leave of absence is MODIFIED in favor of appellant.

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 27, 2020 until June 8, 2020. She essentially requested and was granted a leave of absence by presenting doctor's notes holding her out from work during that time. She returned to work and was available for full-time work as of June 8 and continuing until July 7, 2020. She was available for work during this time and is therefore eligible for benefits, provided she meets all other eligibility requirements. However, beginning July 7, she was again unavailable for work due to requesting and being granted a leave of absence. By requesting and being granted these leaves of absence, claimant made herself unavailable for work during those periods Claimant is therefore not eligible for benefits during those periods.

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

### **DECISION:**

The July 6, 2020 (reference 01) unemployment insurance decision that denied benefits as of May 10, 2020, based on a finding claimant requested and was granted a leave of absence is MODIFIED in favor of appellant. Claimant was on a leave of absence and unavailable for work

from the benefit week ending May 2, 2020, and continuing through the benefit week ending June 6, 2020. She was available for work and eligible for benefits from the benefit week ending June 13, 2020, and continuing through the benefit week ending July 4, 2020. She is ineligible for benefits from the benefit week ending July 11, 2020, and continuing until she is again able to and available for work.



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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

September 3, 2020  
Decision Dated and Mailed

abd/scn

***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>.