

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

AARON M SOUTHARD
Claimant

APPEAL 21A-UI-09905-CS-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

WHIRLPOOL CORPORATION
Employer

**OC: 02/14/21
Claimant: Appellant (2)**

Iowa Code § 96.4(3) – Able to and Available for Work
Iowa Admin. Code r. 871-24.23(10) – Leave of Absence

STATEMENT OF THE CASE:

On April 8, 2021, the claimant/appellant filed an appeal from the March 29, 2021, (reference 01) unemployment insurance decision that disallowed benefits based on claimant requesting a leave of absence and the leave was granted effective February 14, 2021. The parties were properly notified about the hearing. A telephone hearing was held on June 23, 2021. Claimant personally participated at the hearing. Employer participated through Amih Sallah.

ISSUES:

Is the claimant able to work and available for work effective February 14, 2021?

Is the claimant voluntarily unemployed due to a requested leave of absence?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant works for the employer full-time. His scheduled hours are Monday through Friday 7:00 a.m. until 3:30 p.m. On Wednesday, February 10, 2021, claimant's child became ill. On Thursday, February 11, 2021, claimant went to work. After work claimant was notified that his child had tested positive for COVID-19. Claimant notified employer of his child's diagnosis and the employer notified him that he would be on a mandatory quarantine from work for 21 days. Claimant had a previously scheduled vacation day set for Friday, February 12, 2021. Claimant's absence from work due to the employer mandated COVID-19 quarantine began Monday, February 15, 2021 and ran through Monday, March 1, 2021. Claimant returned to work full-time for the employer on Tuesday, March 2, 2021.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes claimant was able to and available for work. Benefits are allowed, provided claimant is otherwise eligible.

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.

Here, claimant was on a mandatory leave of absence between February 15, 2021 and March 1, 2021. Claimant did not request a leave of absence during these weeks; he would have preferred to continue working. However, due to the pandemic and the risk of exposing coworkers to COVID-19, the employer required claimant to remain away from work. Because it was the employer's choice that claimant was removed from work and not claimant's choice, the administrative law judge finds that claimant was not on a voluntary leave of absence. Claimant was otherwise able to and available for work. Benefits are allowed, provided he is otherwise eligible.

DECISION:

The March 29, 2021 (reference 01) unemployment insurance decision is reversed. Claimant was able to and available for work effective February 15, 2021. Benefits are allowed, provided he is otherwise eligible.



Carly Smith
Administrative Law Judge
Unemployment Insurance Appeals Bureau

July 6, 2021
Decision Dated and Mailed

cs/lj