

**BEFORE THE
EMPLOYMENT APPEAL BOARD
Lucas State Office Building, 4TH Floor
Des Moines, Iowa 50319
eab.iowa.gov**

SEAN M OWINGS

Claimant : **HEARING NUMBER: 22B-UI-06927**

and : **EMPLOYMENT APPEAL BOARD
DECISION**

THE HILLSHIRE BRANDS COMPANY

Employer :

NOTICE

THIS DECISION BECOMES FINAL unless (1) a **request for a REHEARING** is filed with the Employment Appeal Board within **20 days** of the date of the Board's decision or, (2) a **PETITION TO DISTRICT COURT IS FILED WITHIN 30 days** of the date of the Board's decision.

A **REHEARING REQUEST** shall state the specific grounds and relief sought. If the rehearing request is denied, a petition may be filed in **DISTRICT COURT** within **30 days** of the date of the denial.

SECTION: 96.4-3, 96.19-38B

DECISION

The Claimant appealed this case to the Employment Appeal Board. Two members of the Employment Appeal Board reviewed the entire record. The Appeal Board finds the administrative law judge's decision is correct. The administrative law judge's Findings of Fact and Reasoning and Conclusions of Law are adopted by the Board as its own. The administrative law judge's decision is **AFFIRMED**.

We note that in today's decision we only address availability. We do not find that the Claimant is ineligible merely because Claimant cannot get vaccinated. We find that the fact he agreed to a leave of absence means he is not available so long as the agreed leave lasts. We note that if we found Claimant available to work, he still could not collect benefits for any week unless he was actively seeking work that week. This leads us to our main point. This is not a case of job separation. The Claimant is still on leave, and still job attached. If the Claimant were to quit and then seek jobs elsewhere, the leave would end and the issue *then* would be whether he had good cause attributable to the Employer for quitting. But things have not reached that stage currently, and our point is only that if the Claimant were to quit then that would be a different case.

James M. Strohman

RRA/fnv

Ashley R. Koopmans