

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**SHEILA A MOHR**  
Claimant

**OPTIMAE LIFESERVICES INC**  
Employer

**APPEAL 21A-UI-17511-AR-T**  
**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 03/22/20**  
**Claimant: Appellant (2)**

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Iowa Code § 96.4(3) – Ability to and Availability for Work  
Iowa Admin. Code r. 871—24.23(10) – Voluntary Leave of Absence

**STATEMENT OF THE CASE:**

The claimant, Sheila A. Mohr, filed an appeal from the August 5, 2021, (reference 01) unemployment insurance decision that denied benefits based upon the determination that claimant was on a voluntary leave of absence from employment with the employer, Optimae LifeServices, Inc., as of June 21, 2020. The parties were properly notified of the hearing. A telephone hearing was held on October 5, 2021, and was consolidated with hearings for appeal numbers 21A-UI-17510-AR-T and 21A-UI-17512-AR-T. The claimant participated personally. The employer participated through Idah Newquist. Claimant's Exhibit A was admitted to the record. The administrative law judge took official notice 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 employment as a part-time direct support provider on April 1, 2016. She continued in the role until this employment ended on March 18, 2020, due to layoffs related to the COVID-19 pandemic.

On March 18, 2020, the employer notified many of its employees, including claimant, that it would lay them off due to the COVID-19 pandemic. It was made clear to each employee laid off that the employer considered this a termination of employment. Employees were directed to reapply should they wish to return to employment. Claimant was not employed by the employer as of June 21, 2020. She was able to work from home during this period, though employment in her role with this employer would not have allowed the option to work at home.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes that the claimant is able to work and available for work effective March 18, 2020.

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 has demonstrated, and the employer does not dispute, that she was not on a voluntary leave of absence as of June 21, 2020. The employment with the employer had ended by that time. Since the employment ended on March 18, 2020, claimant is no longer obligated to return to employer to offer her services. At that point, her ability to work is not measured by the job she held most recently, but by standards of her education, training, and work history. Claimant was able to work from home during the entire period after her separation from this employer. Accordingly, she is considered able to work even if she cannot yet return to a job as most recently performed for the employer. Thus the claimant is considered as able to work as of March 18, 2020.

**DECISION:**

The August 5, 2021, (reference 01) unemployment insurance decision is reversed. The claimant is able to work and available for work effective March 18, 2020. Benefits are allowed, provided she is otherwise eligible.



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Alexis D. Rowe  
Administrative Law Judge

October 8, 2021  
Decision Dated and Mailed

ar/scn