

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

JENNIFER MOLINA
Claimant

WEST LIBERTY FOODS LLC
Employer

APPEAL 20A-UI-07686-AD-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 04/05/20
Claimant: Appellant (1)

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

STATEMENT OF THE CASE:

On July 2, 2020, Jennifer Molina (claimant/appellant) filed an appeal from the June 24, 2020 (reference 01) unemployment insurance decision that denied benefits effective April 5, 2020.

A telephone hearing was held on August 13, 2020. The parties were properly notified of the hearing. The claimant participated personally and with the assistance of a Spanish interpreter. West Liberty Foods LLC (employer/respondent) participated by HR Supervisor Karyn Goldensoph.

Official notice was taken of the administrative record.

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's first day of employment was June 6, 2016. Claimant is still employed by employer as a full-time blender operator. Claimant left work early on April 6, 2020 and called in to report she would be absent on April 7 and 8. Claimant was absent these dates because a coworker had recently tested positive for COVID-19.

Claimant was formally notified on April 9 of her being potentially exposed to this coworker. Employer instructed her not to report to work from April 9 through April 17, with a return date of April 20. Claimant was paid her full hourly rate during this time. Claimant was then out sick from April 22 to April 30 and from May 4 to May 6. Outside of these dates, claimant was working in her usual capacity for employer.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the June 24, 2020 (reference 01) unemployment insurance decision that denied benefits effective April 5, 2020 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".

Claimant was not available for work from April 6, 2020 through May 6, 2020. She was either out sick, was directed to stay home and paid for full-time work, or was actually working for employer during the period in question. As such, claimant is not eligible for benefits during that time.

DECISION:

The June 24, 2020 (reference 01) unemployment insurance decision that denied benefits effective April 5, 2020 is AFFIRMED. Claimant does not meet the availability requirements to receive benefits during that time. Benefits are denied.



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

August 24, 2020
Decision Dated and Mailed

abd/sam

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>.