

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

**RODNEY J KUBIK**  
Claimant

**DE MARANVILLE INSTALLATIONS INC**  
Employer

**APPEAL 20A-UI-08243-AD-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 05/12/19**  
**Claimant: Appellant (1)**

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

**STATEMENT OF THE CASE:**

On July 13, 2020, Rodney Kubik (claimant/appellant) filed an appeal from the July 10, 2020 (reference 02) unemployment insurance decision that denied benefits effective March 29, 2020, based on a finding that claimant requested and was granted a leave of absence.

A telephone hearing was held on August 25, 2020. The parties were properly notified of the hearing. The claimant participated personally. De Maranville Installations Inc (employer/respondent) participated by President Brian DeMaranville. Vice President Stephanie DeMaranville participated as a witness for employer.

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, 2019. The last day claimant worked on the job was April 3, 2020. His position at that time was a full-time fire sprinkler installer. Claimant requested and was granted a leave of absence at that time. The request was granted. Claimant requested the leave due to the pandemic, specifically because his wife has health issues which make her particularly susceptible to COVID-19. Claimant has not worked anywhere else since and continues to self-quarantine.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the July 10, 2020 (reference 02) unemployment insurance decision that denied benefits effective March 29, 2020, based on a finding that claimant requested and was granted a leave of absence 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".

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 requested and was granted a leave of absence. In doing so, claimant made himself unavailable for work. He continues to be unavailable for work to present. Claimant is therefore not eligible for benefits.

**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 10, 2020 (reference 02) unemployment insurance decision that denied benefits effective March 29, 2020, based on a finding that claimant requested and was granted a leave of absence is AFFIRMED. Benefits are denied.



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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

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August 28, 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>.