

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

CHASSIDY E PEREZ
Claimant

QHC FORT DODGE VILLA LLC
Employer

APPEAL 20A-UI-08126-AD-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 03/22/20
Claimant: Appellant (1)

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

STATEMENT OF THE CASE:

On July 10, 2020, Chassidy Perez (claimant/appellant) filed an appeal from the July 7, 2020 (reference 03) unemployment insurance decision that denied benefits as of March 22, 2020 based on a finding that claimant requested and was granted a leave of absence.

A telephone hearing was held on August 21, 2020. The parties were properly notified of the hearing. The claimant participated personally. QHC Fort Dodge Villa LLC (employer/respondent) participated by Administrator Lisa Eastman.

Official notice was taken 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 worked for employer full-time as a CNA. The last day claimant performed work for employer was March 28, 2020. Claimant separated from employment on August 14, 2020. The issue of claimant's separation from employment has not been the subject of a fact-finding interview and the parties did not agree to waive notice of that issue to be addressed at the time of hearing.

Claimant requested and was granted a leave of absence after working March 28, 2020. Claimant's doctor at that time recommended claimant not perform work for employer due to her pregnancy and the potential to be exposed to COVID-19 at claimant's place of work. Claimant presented a doctor's note to this effect to employer and was allowed the leave of absence.

Claimant did not attempt to return to work for over four months, until August 8 or 9, 2020. After learning at that time that her schedule may not be the same upon her return, she did not appear for work as scheduled. Claimant did not work anywhere else during that four-month period.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the July 7, 2020 (reference 03) unemployment insurance decision that denied benefits as of March 22, 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 herself unavailable for work during this time. Claimant is therefore not eligible for benefits during this period.

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 7, 2020 (reference 03) unemployment insurance decision that denied benefits as of March 22, 2020 based on a finding that claimant requested and was granted a leave of absence is **AFFIRMED**. Claimant requested and was granted a leave of absence. 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 31, 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>.