

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

NORAH VEATCH
Claimant

PELLA CORPORATION
Employer

APPEAL 21A-UI-23650-JD-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 09/26/21
Claimant: Appellant (1)**

Iowa Code § 96.4(3) - Able & Available
Iowa Admin. Code r. 871-24.23 (10) – Leave of Absence

STATEMENT OF THE CASE:

On October 22, 2021, the claimant filed an appeal from the October 15, 2021, (reference 03) unemployment insurance decision that denied benefits. The parties were properly notified about the hearing. A telephone hearing was held on December 14, 2021. Claimant Norah Veatch participated and testified. Employer did not call the number listed on the Notice of Hearing and did not participate. Official notice was taken of the administrative record.

ISSUE:

Is the claimant able to and available for work?

FINDINGS OF FACT:

Having reviewed the evidence in the record, the administrative law judge finds: Claimant began working for employer on August 3, 2021. Claimant last worked as a full-time assembler. Claimant tested positive for Covid-19 and was off work from September 29, 2021, until October 18, 2021. The claimant was symptomatic experiencing headaches, stomach issues, and fever and she was not physically able to work during this time frame. Claimant returned to work once she was physically able and remains employed with Pella Corporation.

REASONING AND CONCLUSIONS OF LAW:

The administrative law judge concludes that the claimant was not able to work and available for work for the period in question.

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 in relevant parts provides:

Availability disqualifications. The following are reasons for a claimant being disqualified for being unavailable for work.

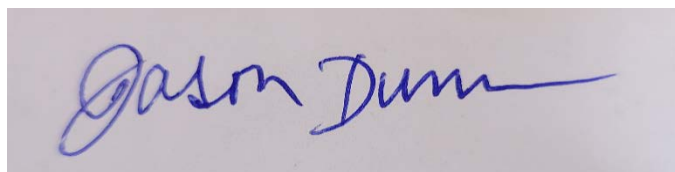
(1) An individual who is ill and presently not able to perform work due to illness.

(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.

To be eligible for benefits, an individual claiming benefits must be able to work, available for work, and actively and earnestly seeking work. In this case, the claimant was ill and not able to perform her work due to illness. Accordingly, benefits are denied.

DECISION:

The October 15, 2021, (reference 03) unemployment insurance decision is affirmed. The claimant is not able to work and available for work effective September 26, 2021. Benefits are denied.



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

January 18, 2022
Decision Dated and Mailed

jd/scn

NOTE TO CLAIMANT:

- This decision determines you are not eligible for regular unemployment insurance benefits under state law. If you disagree with this decision you may file an appeal to the Employment Appeal Board by following the instructions on the first page of this decision.