

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**TIFFANIE ARENS**  
Claimant

**MENARD INC**  
Employer

**APPEAL 22A-UI-00478-JC-T**  
**ADMINISTRATIVE LAW JUDGE**  
**DECISION**

**OC: 10/31/21**  
**Claimant: Appellant (1)**

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

**STATEMENT OF THE CASE:**

The claimant/appellant, Tiffanie Arens, filed an appeal from the November 30, 2021 (reference 01) Iowa Workforce Development (“IWD”) unemployment insurance decision that denied benefits. The parties were properly notified about the hearing. A telephone hearing was held on January 26, 2022. The claimant participated. The employer/respondent, Menard Inc., participated through Jeremy Mead, general manager. The administrative law judge took official notice of the administrative records. Based on the evidence, the arguments presented, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

**ISSUES:**

Was the claimant able to work and available for work effective October 31, 2021?  
Was the claimant unemployed due to a requested leave of absence?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant has performed work for this employer since September 1, 2017. Most recently, claimant has worked as a full-time Order, Pick Up and Delivery manager in employer’s Sioux City location.

Claimant last performed work on November 1, 2021 before taking a three week leave of absence. Claimant was absent from work November 2-23, 2021. Work was available for claimant and she was not compensated by employer. Claimant’s leave of absence was initially due to her eleven year old daughters testing positive for COVID-19, and claimant caring for them as they recovered and quarantined. Despite claimant’s best efforts, she too tested positive for COVID-19, on November 10, 2021. Per CDC guidelines, both claimant’s doctor and employer advised claimant to remain self-quarantining for 14 days. Claimant returned to work on November 24, 2021.

## REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant is ineligible for benefits.

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 96.1A, subsection 38, paragraph "b", subparagraph (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 Availability disqualifications. The following are reasons for a claimant being disqualified for being unavailable for work.

(8) Where availability for work is unduly limited because of not having made adequate arrangements for child care.

Iowa Admin. Code r. 871-24.23(1) 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.

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.

For an individual to be eligible to receive benefits, she must be able to work, available for work, and actively seeking work as required by the unemployment insurance law. Iowa Code § 96.4(3). The burden is on the claimant to establish that she is able and available for work within the meaning of the statute. Iowa Code § 96.6(2); Iowa Admin. Code r. 871-24.22.

The administrative law judge recognizes the claimant has filed her claim due to hardship related to the COVID-19 pandemic. Here, the employer had work available for the claimant. However, the claimant informed the employer she had care for her children, who had tested positive for COVID-19, and had to self-quarantine. Claimant herself also contracted COVID-19, which

further delayed her return to work. The employer agreed to allow the claimant time off for that reason. The claimant is considered to be on a leave of absence for the period of November 2-23, 2021 and was not available for work, according to Iowa law. Therefore, the claimant is not eligible for regular, state-funded unemployment insurance benefits.

**DECISION:**

The November 30, 2021 (Reference 01) initial decision is affirmed. The claimant is considered to be on a leave of absence for the period of November 2-23, 2021 and was not available for work, according to Iowa law. Therefore, the claimant is not eligible for regular, state-funded unemployment insurance benefits.



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Jennifer L. Beckman  
Administrative Law Judge  
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Des Moines, Iowa 50319-0209  
Fax 515-478-3528

February 17, 2022  
Decision Dated and Mailed

jlb/scn

**NOTE TO CLAIMANT:** This decision determines you are not eligible for regular unemployment insurance benefits. 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.

You may find information about food, housing, and other resources at <https://covidrecoveryiowa.org/> or at <https://dhs.iowa.gov/node/3250>

Iowa Finance Authority also has additional resources at <https://www.iowafinance.com/about/covid-19-ifa-recovery-assistance/>