

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

DAVID B WEHMAS
Claimant

APPEAL 21A-UI-04279-AD-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

PER MAR SECURITY & RESEARCH CORP
Employer

OC: 06/21/20
Claimant: Appellant (1)

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

STATEMENT OF THE CASE:

On January 30, 2021, David Wehmas (claimant/appellant) filed an appeal from the January 22, 2021 (reference 01) unemployment insurance decision that denied benefits as of June 21, 2020 based on a finding claimant requested and was granted a leave of absence.

A telephone hearing was held on April 6, 2021. The parties were properly notified of the hearing. The claimant participated personally. Per Mar Security & Research Corp (employer/respondent) participated by Operations Manager Jennifer Juarez.

Official notice was taken of the administrative record.

ISSUES:

Is the claimant on a 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 February 17, 2016. Claimant is still employed by employer. Claimant most recently performed work for employer on June 18, 2020. Claimant was employed full-time at the time. On or about that date, claimant requested and was granted a leave of absence for health reasons. Claimant was unable to return to work until February 21, 2021. However, claimant did not notify employer that he could return to work until April 5, 2021.

Claimant filed a claim for benefits each week from the benefit week ending June 27, 2020 through the benefit week ending December 26, 2020.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the January 22, 2021 (reference 01) unemployment insurance decision that denied benefits as of June 21, 2020 based on a finding 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 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 January 22, 2021 (reference 01) unemployment insurance decision that denied benefits as of June 21, 2020 based on a finding claimant requested and was granted a leave of absence is AFFIRMED.



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

April 12, 2021
Decision Dated and Mailed

abd/scn

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>.