

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

**REGINA D ANDREWS**  
Claimant

**DEE ZEE INC**  
Employer

**APPEAL 22A-UI-05886-AD-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 02/28/21  
Claimant: Appellant (2)**

Iowa Code 96.4(3) – Able to and Available for Work  
Iowa Admin. Code r. 871-24.23(10) – Voluntary Leave of Absence

**STATEMENT OF THE CASE:**

On February 17, 2022, Regina Andrews (claimant/appellant) filed an appeal from the February 8, 2022 (reference 02) unemployment insurance decision that denied benefits as of January 16, 2022 based on a finding claimant requested and was granted a leave of absence.

A telephone hearing was held on April 15, 2022. The parties were properly notified of the hearing. The claimant participated personally. Dee Zee Inc (employer/respondent) participated by HR Assistant Molly Reilly.

Employer's Exhibit 1 admitted. 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's first day of employment was February 8, 2016. Claimant is still employed by employer as a full-time Department Supervisor. On Monday, January 17, 2022 claimant contacted her supervisor to report she was not feeling well. Her supervisor directed her to take a COVID-19 test. Claimant did so and tested positive. As a result employer held her out of work for the remainder of the week pursuant to its COVID-19 policies. Claimant had a cough but was able and available for work if she had not been held out. She filed a claim for benefits solely in the week ending January 22, 2022.

## **REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the February 8, 2022 (reference 02) unemployment insurance decision that denied benefits as of January 16, 2022 based on a finding claimant requested and was granted a leave of absence is REVERSED.

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:

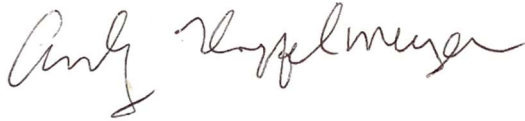
Availability disqualifications. The following are reasons for a claimant being disqualified for being unavailable for work.

(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 did not request a leave of absence. She was held out of work during the week filed pursuant to employer's COVID-19 policies. Claimant was able and available for work during that week and would have worked had employer not held her out. She is therefore eligible for benefits during this period.

**DECISION:**

The February 8, 2022 (reference 02) unemployment insurance decision that denied benefits as of January 16, 2022 based on a finding claimant requested and was granted a leave of absence is REVERSED. Claimant is eligible for benefits in the week ending January 22, 2022.



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Andrew B. Duffelmeyer  
Administrative Law Judge  
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April 19, 2022  
Decision Dated and Mailed

abd/abd