

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

KODJO A AOUTE
Claimant

APPEAL NO. 20A-UI-13599-B2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

WHIRLPOOL CORPORATION
Employer

OC: 12/15/19
Claimant: Appellant (4)

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

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated October 21, 2020 reference 01, which held claimant not able and available for work. After due notice, a hearing was scheduled for and held on December 29, 2020. Claimant participated personally. Employer failed to respond to the hearing notice and did not participate. Interpretive services were provided by CTS Language Link.

ISSUE:

Whether claimant is able and available for work?
Whether claimant is on an approved leave of absence?

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant works as a full time die setter for employer. At times during this year claimant asked for and received time off work for Covid-related matters.

Claimant was off from work from May 24 through June 13, 2020 because claimant lost child care and had to secure new care for children. Claimant asked for this time off and employer granted claimant's request. During this time claimant was not available for work.

REASONING AND CONCLUSIONS OF LAW:

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.

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".

Benefits are withheld for the time when claimant asked for and received a leave of absence. Claimant is not eligible for benefits for the time between May 24, 2020 through June 13, 2020.

Note to Claimant: Even though claimant is not eligible for regular unemployment insurance benefits under state law, he may be eligible for federally funded unemployment insurance benefits under the Coronavirus Aid, Relief, and Economic Security Act ("Cares Act"), Public Law 116-136. Section 2102 of the CARES Act creates a new temporary federal program called Pandemic Unemployment Assistance (PUA) that in general provides up to 39 weeks of unemployment benefits. **You will need to apply for PUA to determine your eligibility under the program.** Additional information on how to apply for PUA can be found at <https://www.iowaworkforcedevelopment.gov/pua-information>.

DECISION:

The decision of the representative dated October 21, 2020, reference 01 is modified in favor of claimant to state specific times when claimant was off from work. Claimant is not eligible to receive unemployment insurance benefits, between the dates of May 24, 2020 and June 13, 2020. Claimant is eligible to receive benefits after June 13, 2020, provided claimant meets all other eligibility requirements.



Blair A. Bennett
Administrative Law Judge

January 15, 2021
Decision Dated and Mailed

bab/mh