

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**TAYLOR DENEY**  
Claimant

**PELLA CORPORATION**  
Employer

**APPEAL 21A-UI-21841-JD-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 08/22/21  
Claimant: Appellant (1)**

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

**STATEMENT OF THE CASE:**

On October 4, 2021, the claimant filed an appeal from the September 24, 2021, (reference 01) unemployment insurance decision that denied benefits. The parties were properly notified about the hearing. A telephone hearing was held on November 22, 2021. Claimant Taylor Deney participated and testified. Employer, Pella Corp., participated through Reagan Melton, Human Resources Representative. Claimant's Exhibits A, B were offered and admitted. Official notice was taken of the administrative record.

**ISSUES:**

Is claimant Able & 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 began working for employer on August 1, 2020. Claimant last worked as a full-time assembler. Claimant's last day worked May 28, 2021, when she went on a leave of absence due to medical issues. The claimant was cleared to return to work on July 12, 2021, with restrictions. The claimant's restrictions included not lifting anything over 30 lbs., not standing for more than 30 minutes at a time, and not twisting or turning at the waist. The claimant is currently on unpaid leave with the employer and may return to work once her restrictions are lifted.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes that the claimant is not able to work and available for work.

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. 871-24.22(2)(1), (2) provides:

Benefits eligibility conditions. For an individual to be eligible to receive benefits the department must find that the individual is able to work, available for work, and earnestly and actively seeking work. The individual bears the burden of establishing that the individual is able to work, available for work, and earnestly and actively seeking work.

(2) Available for work. The availability requirement is satisfied when an individual is willing, able, and ready to accept suitable work which the individual does not have good cause to refuse, that is, the individual is genuinely attached to the labor market. Since, under unemployment insurance laws, it is the availability of an individual that is required to be tested, the labor market must be described in terms of the individual. A labor market for an individual means a market for the type of service which the individual offers in the geographical area in which the individual offers the service. Market in that sense does not mean that job vacancies must exist; the purpose of unemployment insurance is to compensate for lack of job vacancies. It means only that the type of services which an individual is offering is generally performed in the geographical area in which the individual is offering the services.

j. Leave of absence. A leave of absence negotiated with the consent of both parties, employer and employee, is deemed a period of voluntary unemployment for the employee-individual, and the individual is considered ineligible for benefits for the period.

(1) If at the end of a period or term of negotiated leave of absence the employer fails to reemploy the employee-individual, the individual is considered laid off and eligible for benefits.

(2) If the employee-individual fails to return at the end of the leave of absence and subsequently becomes unemployed the individual is considered as having voluntarily quit and therefore is ineligible for benefits.

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.

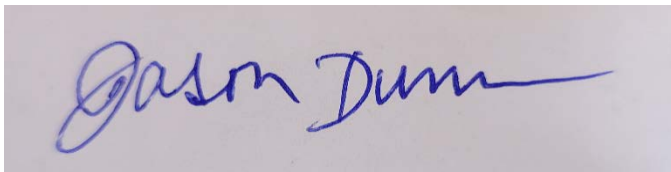
(10) The claimant requested and was granted a leave of absence; such period is deemed to be a period of voluntary unemployment and shall be considered ineligible for benefits for such period.

The claimant requested and was given a leave of absence beginning on May 28, 2021, until she is cleared to work without restrictions. The claimant remains employed by the employer on an unpaid leave status and she can return to work once she is cleared to work without restrictions.

Inasmuch as the medical condition is not work-related and the treating physician has not released the claimant to return to work without restriction, she has not established her ability to work while still an employee of Pella Corp. effective May 28, 2021. While she may be able to perform light work duties, the employer is not obligated to accommodate a non-work-related medical condition, and since she has not released to perform her full work duties, she was not considered able to or available for work. Accordingly, benefits are denied.

**DECISION:**

The September 24, 2021, (reference 01) decision is affirmed. The claimant is not able to work and available for work effective May 28, 2021. Benefits are withheld until such time as the claimant makes herself available for work to the extent she was available during the base period history.



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

January 11, 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.