

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

CHASTITY M DRAKE
Claimant

CDS GLOBAL INC
Employer

APPEAL 20R-UI-14407-AD-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 05/05/19
Claimant: Appellant (1)

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

STATEMENT OF THE CASE:

On August 13, 2020, Chastity Drake (claimant/appellant) filed an appeal from the August 6, 2020 (reference 03) unemployment insurance decision that denied benefits as of April 12, 2020 based on a finding claimant requested and was granted a leave of absence.

A telephone hearing was set for September 25, 2020. Claimant did not register a number for the hearing. After waiting 15 minutes as a courtesy, a default order was entered.

Claimant appealed the default order to the Employment Appeal Board (EAB). The EAB remanded for a new hearing.

A telephone hearing was held on January 12, 2021. The parties were properly notified of the hearing. The claimant participated personally. CDS Global Inc. (employer/respondent) did not register a number for the hearing and did not participate.

Official notice was taken of the administrative record.

ISSUES:

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 August 15, 1999. Claimant is still employed by employer as a full-time sorter operator. Claimant requested and was granted a leave of absence from April 13, 2020 until May 4, 2020. Claimant was not working during this time because her daughter's school was closed and so claimant had to stay home to care for her. Claimant returned to work after the leave of absence. Claimant filed a claim for benefits for the weeks ending April 18, April 25, and May 2, 2020.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the August 6, 2020 (reference 03) unemployment insurance decision that denied benefits as of April 12, 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.

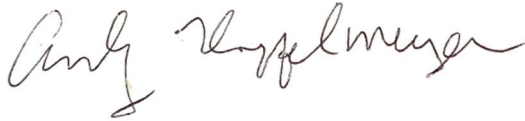
(10) The claimant requested and was granted a leave of absence, such period is deemed to be a period of voluntary unemployment and shall be considered ineligible for benefits for such period.

Claimant requested and was granted a leave of absence from April 13, 2020 until May 4, 2020. In doing so, claimant made herself 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 August 6, 2020 (reference 03) unemployment insurance decision that denied benefits as of April 12, 2020 based on a finding claimant requested and was granted a leave of absence is AFFIRMED. Claimant does not meet the availability requirements to receive benefits during that time. Benefits are denied.



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

February 1, 2021
Decision Dated and Mailed

abd/kmj

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>.