

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

---

**NICHOLAS M SPRATT**  
Claimant

**TRANSCO RAILWAY PRODUCTS INC**  
Respondent

**APPEAL 20A-UI-05422-AD-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 03/29/20**  
**Claimant: Appellant (1)**

---

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

**STATEMENT OF THE CASE:**

On June 6, 2020, Nicholas Spratt (claimant/appellant) filed an appeal from the May 28, 2020 (reference 02) unemployment insurance decision that denied benefits.

A telephone hearing was held on July 9, 2020. The parties were properly notified of the hearing. The claimant participated personally. Transco Railway Products Inc. (employer/respondent) participated by HR Manager Estelle Gudenkauf. Plant Manager Jacob Steil participated as a witness for employer.

**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 worked for employer as a full-time carman. Claimant's first day of employment was June 3, 2019. Claimant is still employed there. Claimant was on a voluntary leave of absence from April 1 to May 1, 2020 due to fear of exposure to COVID-19 and a lack of childcare.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the May 28, 2020 (reference 02) unemployment insurance decision that denied benefits 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 was on a voluntary leave of absence from April 1 to May 1, 2020 due to fear of exposure to COVID-19 and a lack of childcare. Claimant is ineligible for benefits during this time, as it is a voluntary period of unemployment.

**While claimant is ineligible for regular benefits, he may be eligible for Pandemic Unemployment Assistance (PUA). There is further information on PUA below.**

**DECISION:**

The May 28, 2020 (reference 02) unemployment insurance decision that denied benefits is AFFIRMED. Claimant is ineligible for benefits during a voluntary leave of absence.



---

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

July 20, 2020  
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 currently 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>.