

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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**MEGAN D CRABTREE**  
Claimant

**MENARD INC**  
Employer

**APPEAL 21A-UI-12203-AD-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 11/01/20**  
**Claimant: Respondent (2)**

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Iowa Code section 96.4(3) – Able and Available for Work

**STATEMENT OF THE CASE:**

On May 5, 2021, Menard Inc (claimant/appellant) filed an appeal from the April 30, 2021 (reference 01) unemployment insurance decision that allowed benefits beginning November 1, 2020 based on a finding claimant was able and available for work during a short-term layoff.

A telephone hearing was held on July 23, 2021. The parties were properly notified of the hearing. Megan Crabtree (claimant/respondent) did not register a number for the hearing or participate. Employer participated by Asst. GM Scott Kjellin.

Employer's Exhibit 1 was admitted. Official notice was taken of the administrative record.

**ISSUES:**

Is the claimant able and available for work?

**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 22, 2017. The last day claimant worked on the job was May 8, 2021. Claimant resigned at that time. Claimant worked for employer as a part-time head cashier. She filed a claim for benefits in the weeks ending November 14, 21, and 28, 2020. Employer held claimant out of work during that period due to its COVID-19 protocols. Employer does not know whether claimant was too ill to work during that period.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the April 30, 2021 (reference 01) unemployment insurance decision that allowed benefits beginning November 1, 2020 based on a finding claimant was able and available for work during a short-term layoff 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".

It is claimant's burden to establish she is able and available for work during each week filed. The evidence in the record does not establish that she was. Benefits must therefore be denied during the weeks filed.

**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 April 30, 2021 (reference 01) unemployment insurance decision that allowed benefits beginning November 1, 2020 based on a finding claimant was able and available for work during a short-term layoff is REVERSED. Claimant has not established her ability to and availability for work during the weeks filed. Benefits must therefore be denied.



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

July 29, 2021  
Decision Dated and Mailed

abd/lj

***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>.