

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

BRANDIE R AL-HAMEED
Claimant

ALL IN A DAY LLC
Employer

APPEAL 22A-UI-00250-AR-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 10/10/21
Claimant: Appellant (1)

Iowa Code § 96.4(3) – Ability to and Availability for Work

STATEMENT OF THE CASE:

The claimant, Brandie R. Al-Hameed, filed an appeal from the November 12, 2021, (reference 05) unemployment insurance decision that denied benefits based upon the determination that claimant was not able to and available for work due to illness effective October 10, 2021. The parties were properly notified of the hearing. A telephone hearing was held on January 24, 2022. The claimant participated personally. The employer participated through Cyd Fleckenstein. The administrative law judge took official notice of the administrative record.

ISSUE:

Is the claimant able to and available for work effective October 10, 2021?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was employed through this employer at a placement site beginning July 6, 2021. She is no longer employed with this employer, having accepted a permanent position at the placement site, effective November 6, 2021.

Around October 10, 2021, claimant became ill and tested positive for COVID-19. She provided a doctor's excuse from work to the employer and took 10 days off work to quarantine and recover. She returned to work with her same position, hours, and wages as prior to the illness on October 20, 2021. She did not have any doctor's restrictions upon returning to work. Claimant was not paid during her time off work.

Claimant filed a claim for benefits with an effective date of October 10, 2021. She filed weekly continuing claims for that week, and the following week. The week of October 17, 2021, she properly reported some wages earned because she returned to work during that week. The weeks of October 10, 2021, and October 17, 2021, were the only weeks in which claimant filed claims for unemployment benefits.

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 for the period in question.

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) 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.

Iowa Admin. Code r. 871—24.23(1) provides:

Availability disqualifications. The following are reasons for a claimant being disqualified for being unavailable for work.

(1) An individual who is ill and presently not able to perform work due to illness.

Claimant was ill and quarantining during the period in which she filed for unemployment insurance benefits. Accordingly, she was not able to and available for work during the period from October 10, 2021, through the week that ended October 23, 2021. In order to be eligible

for benefits, an individual claiming benefits must be able to work, available for work, and actively and earnestly seeking work. Accordingly, benefits are denied.

DECISION:

The November 12, 2021, (reference 05) unemployment insurance decision is affirmed. The claimant is not able to work and available for work effective October 10, 2021. Benefits are denied.



Alexis D. Rowe
Administrative Law Judge

February 14, 2022
Decision Dated and Mailed

ar/scn