

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

REBECCA K WOODS
Claimant

OZARK AUTOMOTIVE DISTRIBUTORS IN
Employer

APPEAL 21A-UI-03735-AD-T
ADMINISTRATIVE LAW JUDGE
DECISION

OC: 05/03/20
Claimant: Respondent (1)

Iowa Code § 96.4(3) – Eligibility – A&A – Able to, available for, work search

STATEMENT OF THE CASE:

On January 25, 2021, Ozark Automotive Distributors Inc. (employer/appellant) filed a timely appeal from the January 15, 2021 (reference 01) unemployment insurance decision that allowed benefits beginning May 3, 2020 based on a finding claimant was able and available for work.

A telephone hearing was held on March 30, 2021. The parties were properly notified of the hearing. Rebecca Woods (claimant/respondent) did not register a number for the hearing. Employer participated by HR Business Partner Julie Akers.

Official notice was taken of the administrative record.

ISSUE(S):

- I. Is the claimant able to and available for work?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds:

Claimant began working for employer on May 4, 2016. Claimant is not still employed by employer. The last day claimant was present at the job performing work was May 28, 2020. Claimant was employed full-time as an outbound forklift operator. Claimant was held out of work from April 26 through May 10, 2020 as a precaution due to claimant potentially being exposed to COVID-19. Claimant was able to and available for work during this time. Claimant filed a claim for benefits only during the week ending May 9, 2020.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the January 15, 2021 (reference 01) unemployment insurance decision that allowed benefits beginning May 3, 2020 based on a finding claimant was able and available for work 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".

Claimant filed a claim for benefits only during the week ending May 9, 2020. Claimant was held out of work from April 26 through May 10, 2020 as a precaution due to claimant potentially being exposed to COVID-19. Claimant was able to and available for work during this time. Claimant is eligible for benefits during the week filed.

Because claimant's unemployment was pandemic-related and the Department is not charging employers for pandemic-related unemployment, employer will not be charged for benefits paid.

DECISION:

The January 15, 2021 (reference 01) unemployment insurance decision that allowed benefits beginning May 3, 2020 based on a finding claimant was able and available for work is AFFIRMED. Claimant was able to and available for work and therefore eligible for benefits during the week filed.



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

April 2, 2021
Decision Dated and Mailed

abd/scn