

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

FAITH A GOUDY
Claimant

ABCM CORPORATION
Employer

APPEAL 21A-UI-14150-AD-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 05/31/20
Claimant: Appellant (1)

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

STATEMENT OF THE CASE:

On June 16, 2021, Faith Goudy (claimant/appellant) filed an appeal from the June 9, 2021 (reference 03) unemployment insurance decision that denied benefits as of May 31, 2020 based on a finding claimant was not available for work.

A telephone hearing was held on August 16, 2021. The parties were properly notified of the hearing. The claimant participated personally. Her father observed the hearing. ABCM Corporation (employer/respondent) participated by Provisional Administrator Sierra Ackerman.

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 July 10, 2019. Claimant was employed as a part-time CNA. Claimant filed a claim for benefits from the week ending June 6, 2020 through the week ending August 1, 2020. There was work available for claimant during that period. However, employer told claimant she could not work for it and play summer softball as she had planned. This is because employer was concerned claimant may bring COVID-19 into the facility from softball. Claimant chose to play softball during that summer rather than perform work for employer.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the June 9, 2021 (reference 03) unemployment insurance decision that denied benefits as of May 31, 2020 based on a finding claimant was not 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".

The administrative law judge finds claimant is not eligible for benefits during the weeks filed. In order to be eligible for benefits in any week, a claimant must be available for work. By choosing to play softball, claimant made herself unavailable for work with employer.

DECISION:

The June 9, 2021 (reference 03) unemployment insurance decision that denied benefits as of May 31, 2020 based on a finding claimant was not available for work is AFFIRMED.



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

August 20, 2021
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 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>.