

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

KAYLA M MILLER
Claimant

APPEAL NO. 21A-UI-09637-JT-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

DAVIS COUNTY HOSPITAL
Employer

**OC: 02/14/21
Claimant: Appellant (5)**

Iowa Code Section 96.4(3) – Able & Available

STATEMENT OF THE CASE:

The claimant, Kayla Miller, filed a timely appeal from the March 3, 2021, reference 01, decision that denied benefits effective February 14, 2021, based on the deputy's conclusion that the claimant was unable to perform work due to illness. After due notice was issued, a hearing was held on June 21, 2021. Claimant participated. Pam Young represented the employer. Exhibits A and B were received into evidence. The administrative law judge took official notice of the following Agency administrative records: KCCO, DBRO, and the absence of an application or approval for Pandemic Unemployment Assistance (PUA) benefits.

ISSUES:

Whether the claimant was able to work and available for work for the week of February 14-20, 2021.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant is employed by Davis County Hospital as the full-time Quality Director. The claimant's usual work hours are 8:00 a.m. to 5:00 p.m., Monday through Friday. The claimant resides with her husband and two young children. On February 10, 2021, the claimant's husband was tested for and diagnosed with COVID-19. Based on the claimant and the couple's children being potentially exposed to COVID-19, Davis County Public Health instructed the claimant and her children to quarantine for 10 days. Davis County Public Health is separate and distinct from the claimant's employer. The claimant segregated herself and her children from the claimant's husband and quarantined for the recommended 10 days. The claimant's daughter became ill on February 11, 2021, was tested for COVID-19 and tested negative. The claimant did not become ill. There was no alternative care provider to care for and supervise the children while they quarantined. f

Prior to commencing the period of quarantine, the claimant had last worked on February 10, 2021. The claimant's family completed the 10-day quarantine period and the claimant returned to work on February 22, 2020. The claimant had appropriately notified the employer of need to be off work to quarantine with and care for her children. The employer acquiesced in the

absence. The employer did not direct the claimant to go off work. During the time when the claimant was off work, the employer continued to have the claimant's full-time work available.

The claimant established an original claim for regular benefits that was effective February 14, 2021. The claimant made a weekly claim for the week that ended February 20, 2021 and then discontinued her claim in connection with her return to the full-time employment. The employer did not compensate the claimant for the week that ended February 20, 2021. Iowa Workforce Development did not disburse benefits for the week that ended February 20, 2021. The claimant did not submit an application for Pandemic Unemployment Assistance (PUA) benefits.

REASONING AND CONCLUSIONS OF LAW:

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), (8), (10), 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.

...

(8) Where availability for work is unduly limited because of not having made adequate arrangements for child care.

...
(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.

If a claimant individual to whom the benefits are paid is in the employ of a base period employer at the time the individual is receiving the benefits, and the individual is receiving the same employment from the employer that the individual received during the individual's base period, benefits paid to the individual shall not be charged against the account of the employer. Iowa Code section 96.7(2)(a)(2)(a).

The claimant was not available for work within the meaning of the law judge the benefit week that ended February 20, 2021 and is not eligible for benefits for that week. The evidence establishes that the claimant was on an approved leave of absence throughout the week of February 14-20, 2021. The leave of absence was not based on the claimant being personally ill, but was instead based on her need to care and supervise her young children while the family quarantined. Because the claimant did not meet the availability requirement applicable to regular benefits, she is not eligible for regular benefits.

DECISION:

The March 3, 2021, reference 01, decision is modified as follows with no change in outcome. The claimant was not available for work within the meaning of the law during the week that ended February 20, 2021 and is not eligible for regular benefits for that week.



James E. Timberland
Administrative Law Judge

July 01, 2021
Decision Dated and Mailed

jet/ol

On May 11, 2021, Governor Reynolds announced that Iowa would end its participation in federal pandemic-related unemployment benefit programs effective June 12, 2021. The last payable week for PUA in Iowa was the week ending June 12, 2021. The last day on which an application could be submitted for PUA benefits was June 12, 2021. Additional information can be found in the press release at <https://www.iowaworkforcedevelopment.gov/iowa-end-participation-federal-unemployment-benefit-programs-citing-strong-labor-market-and>.