

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

NATHAN C HADAWAY
Claimant

LINK SNACKS INC
Employer

APPEAL 21A-UI-08406-AW-T
ADMINISTRATIVE LAW JUDGE
DECISION

OC: 06/07/20
Claimant: Appellant (4)

Iowa Code § 96.4(3) – Ability to and Availability for Work
Iowa Admin. Code r. 871-24.22 – Able & Available – Benefits Eligibility Conditions

STATEMENT OF THE CASE:

Claimant filed an appeal from the March 18, 2021 (reference 02) unemployment insurance decision that denied benefits. The parties were properly notified of the hearing. A telephone hearing was held on June 7, 2021 at 1:00 p.m. Claimant participated. Employer did not participate. No exhibits were admitted. Official notice is taken of the administrative record.

ISSUE:

Whether claimant is 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 his employment with Link Snacks January 7, 2019. Claimant is currently employed as a full-time Sanitation worker. Claimant works Monday through Thursday from 5:15 a.m. until 3:45 p.m.

Claimant traveled out of state from approximately June 1, 2020 until June 5, 2020. Employer's Covid-19 protocol requires employees traveling out of state to quarantine for two weeks before returning to work. Pursuant to employer's protocol, claimant quarantined from June 7, 2020 until June 20, 2020. Claimant had no barriers to employment during the two-week quarantine and would have worked but for employer's Covid-19 protocol. Claimant returned to work on Monday, June 29, 2020 and has worked his regular hours since his return.

A decision was issued on March 18, 2021 (reference 02) denying claimant benefits because he was not able to and available for work from June 7, 2020 until June 27, 2020 due to illness. Claimant filed an initial claim for benefits effective June 7, 2020 and weekly claims for the weeks ending June 13, 2020 and June 20, 2020.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes claimant was able to and available for work June 7, 2020 until June 27, 2020. Benefits are allowed provided claimant is otherwise eligible.

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(1) 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.

(1) Able to work. An individual must be physically and mentally able to work in some gainful employment, not necessarily in the individual's customary occupation, but which is engaged in by others as a means of livelihood.

a. Illness, injury or pregnancy. Each case is decided upon an individual basis, recognizing that various work opportunities present different physical requirements. A statement from a medical practitioner is considered prima facie evidence of the physical ability of the individual to perform the work required. A pregnant individual must meet the same criteria for determining ableness as do all other individuals.

An individual claiming benefits has the burden of proof that he is be able to work, available for work, and earnestly and actively seeking work. Iowa Admin. Code r. 871-24.22.

Employer required claimant to quarantine from June 7, 2020 until June 20, 2020 pursuant to its Covid-19 protocol. Claimant was not ill and had no other barriers to employment. Claimant was able to and available for work and, thus, is eligible for benefits from June 7, 2020 until June 20, 2020.

DECISION:

The March 18, 2021 (reference 02) unemployment insurance decision is modified in favor of appellant. Claimant was able to and available for work from June 7, 2020 until June 20, 2020. Benefits are allowed provided claimant is otherwise eligible.



Adrienne C. Williamson
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June 21, 2021
Decision Dated and Mailed

acw/scn