

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

MATTHEW E MORROW
Claimant

**BOB BROWN ISUZU ADVANTAGE AUTO
INC**
Employer

APPEAL 20A-UI-09316-AD-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 04/05/20
Claimant: Appellant (4)

Iowa Admin. Code r. 871-24.23(10) – Voluntary Leave of Absence

STATEMENT OF THE CASE:

On August 3, 2020, Matthew Morrow (claimant/appellant) filed an appeal from the July 24, 2020 (reference 01) unemployment insurance decision that denied benefits as of April 5, 2020, based on a finding that the claimant was unduly limiting his availability for work.

A telephone hearing was held on September 21, 2020. The parties were properly notified of the hearing. The claimant participated personally. Bob Brown Isuzu Advantage Auto Inc (employer/respondent) did not register a number for the hearing and did not participate.

Official notice was taken of the administrative record.

ISSUES:

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 in March 2019. Claimant worked for employer full time. Claimant began self-quarantining on March 31, 2020, due to potential exposure to COVID-19. Claimant was able to return to work on April 16 but was laid off at that time due to the pandemic. Employer then requested claimant return to work beginning May 18. However, claimant's wife had returned to work on May 4, 2020, and claimant was thereafter solely responsible for caring for his child during the day. Schools had closed by that time and claimant had difficulty tracking down another childcare option. Claimant also had to self-quarantine again beginning around that date, again due to possible exposure to COVID-19.

Claimant's need to self-quarantine ended June 1, but claimant was still unable to return to work for full-time hours at that time due to a lack of childcare. Claimant offered to return to work part-time, including working Saturdays and other hours as he was available. Employer told claimant it would have to hire someone else if he could not return to work full time, and employer terminated claimant's employment on June 8, 2020. Claimant continued to be responsible for watching his

daughter for most of the day until school began again in late August. Since around the beginning of July, claimant has devoted his efforts to self-employment rather than pursuing employment elsewhere.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the July 24, 2020 (reference 01) unemployment insurance decision that denied benefits as of April 5, 2020, based on a finding that the claimant was unduly limiting his availability for work, is MODIFIED in favor of appellant. Claimant is not eligible for benefits from the benefit week ending April 4, 2020, and continuing through the benefit week ending April 18, 2020. He is eligible for benefits from the benefit week ending April 25, 2020 and continuing through benefit week ending May 2, 2020. He is ineligible for benefits from the benefit week ending May 9, 2020 and continuing to present.

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 is not eligible for benefits from the benefit week ending April 4, 2020, and continuing through the benefit week ending April 18, 2020. This is because claimant was unavailable for work due to self-quarantining during this time. Claimant is eligible for benefits from the benefit week ending April 25, 2020 and continuing through the benefit week ending May 2, 2020. This is because he was available for work during this time but not working due to being laid off. Claimant is not eligible for benefits from the benefit week ending May 9, 2020, and continuing to present. This is because claimant was unavailable for work due to a lack of childcare and subsequently due to his devoting his efforts to self-employment rather than seeking work with another employer.

While this decision denies in part regular, state benefits, the evidence indicates claimant may be eligible for federal Pandemic Unemployment Assistance (PUA). Further information on PUA, including how to apply, is set forth below.

DECISION:

The July 24, 2020 (reference 01) unemployment insurance decision that denied benefits as of April 5, 2020, based on a finding that the claimant was unduly limiting his availability for work, is MODIFIED in favor of appellant. Claimant is not eligible for benefits from the benefit week ending April 4, 2020, and continuing through the benefit week ending April 18, 2020. He is eligible for benefits from the benefit week ending April 25, 2020 and continuing through benefit week ending May 2, 2020. He is ineligible for benefits from the benefit week ending May 9, 2020 and continuing to present.



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

September 24, 2020
Decision Dated and Mailed

abd/mh

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>.