

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

BARON J HOLLIDAY
Claimant

APPEAL 20A-UI-13814-ED-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

EXIDE TECHNOLOGIES
Employer

**OC: 07/19/20
Claimant: Appellant (2)**

Iowa Code § 96.4(3) – Ability to and Availability for Work
Iowa Admin. Code r. 871-24.23(26) – Same Hours and Wages
Iowa Code § 96.19(38) – Total, Partial, Temporary Unemployment
Iowa Code § 96.7(2)A(2)

STATEMENT OF THE CASE:

On November 1, 2020, the claimant filed an appeal from the October 22, 2020, (reference 01) unemployment insurance decision that denied benefits. The parties were properly notified about the hearing. A telephone hearing was held on December 31, 2020. Claimant participated personally. Employer did not participate. Claimant's Exhibit A was received.

ISSUES:

Is the claimant able to and available for work?
Same hours and wages?
Is claimant totally, partially or temporarily unemployed?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant began working for employer in August 2014. Claimant worked for employer as a full-time maintenance worker. Claimant's immediate supervisor is Ron Benner.

In March 2020, the United States declared a public health emergency because of the COVID 19 pandemic.

Claimant was off work from July 21 to August 4, 2020. Claimant was sent home to quarantine because a co-worker had tested positive for Covid-19. Claimant was not allowed to return to work until the 14 day quarantine period expired. Employer had full-time work available for claimant, if he had not been sent home to quarantine. Claimant had no limitation on his ability to work if he had not been sent home to quarantine.

Claimant returned to work full time on August 5, 2020.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes that the claimant is able to work and available for work July 21, 2020 through August 4, 2020.

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. 871-24.23(10) provides:

Availability disqualifications. The following are reasons for a claimant being disqualified for being unavailable for work.

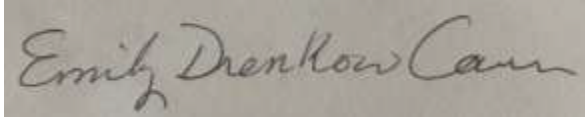
(10) The claimant requested and was granted a leave of absence, such period is deemed to be a period of voluntary unemployment and shall be considered ineligible for benefits for such period.

Here, claimant was able to work during the July 21 through August 4, 2020 time period in question. Claimant did not work due to the employer's policy requiring quarantine when a co-worker tested positive for COVID-19. Claimant never requested a leave of absence. Claimant complied with the employer's policy.

Claimant established he was available for work and eligible for unemployment insurance benefits during the period of July 21, 2020 through August 4, 2020. Benefits are allowed during those weeks.

DECISION:

The October 27, 2020, (reference 02) unemployment insurance decision is reversed. The claimant is able and available for work and eligible for benefits during the period July 21 through August 4, 2020.

A rectangular box containing a handwritten signature in cursive script that reads "Emily Drenkow Carr".

Emily Drenkow Carr
Administrative Law Judge
Unemployment Insurance Appeals Bureau
1000 East Grand Avenue
Des Moines, Iowa 50319-0209
Fax (515)478-3528

January 26, 2021
Decision Dated and Mailed

ed/mh

NOTE TO CLAIMANT:

This decision determines you are not eligible for regular unemployment insurance benefits under state law. If you disagree with this decision you may file an appeal to the Employment Appeal Board by following the instructions on the first page of this decision.

If you do not qualify for regular unemployment insurance benefits under state law and are currently unemployed for reasons related to COVID-19, you may qualify for Pandemic Unemployment Assistance (PUA). **You will need to apply for PUA to determine your eligibility under the program.** For more information on how to apply for PUA, go to <https://www.iowaworkforcedevelopment.gov/pua-information>. **If you do not apply for and are not approved for PUA, you may be required to repay the benefits you've received so far.**