

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**BRIAN GOODHALL**  
Claimant

**APPEAL 21A-UI-09297-WG-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**WHIRLPOOL CORPORATION**  
Employer

**OC: 12/20/20**  
**Claimant: Appellant (1R)**

Iowa Code § 96.4(3) – Able and Available  
Iowa Admin. Code r. 871-24.23(10) – Availability Disqualifications – Leave of Absence

**STATEMENT OF THE CASE:**

The claimant/appellant filed an appeal from the March 29, 2021 (reference 01) unemployment insurance decision that found claimant was ineligible for unemployment benefits because he was on a leave of absence and not able to perform work. The parties were properly notified of the hearing. A telephone hearing was held on June 1, 2021. The claimant, Brian Goodhall, participated personally. The employer, did not register or participate in the hearing. No exhibits were introduced into the record.

**ISSUE:**

Is the claimant on an approved leave of absence?

Is the claimant able to work and available for work?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was employed full-time for this employer and continues to work for the employer as a material handler. From February 15, 2021 through February 24, 2021, claimant underwent a period of quarantine for Covid-19 symptoms. In reality, claimant likely did not have Covid-19. Instead, he has an underlying condition that will produce similar respiratory symptoms. Nevertheless, because he exhibited the symptoms, claimant quarantined from February 15, 2021 through February 24, 2021. He was not able and available for work from February 15, 2021 through February 24, 2021.

Claimant returned to work for this employer on February 25, 2021. He was hospitalized for his underlying condition one week in March 2021 and missed work as a result. He was not able and available for work while hospitalized. However, he was able and available for work the remainder of March 2021, was not on a leave of absence, and reported to work except from March 15, 2021 through March 19, 2021, when the employer's plant was shut down due to it running out of necessary materials for its manufacturing process.

Claimant remained able and available for work from April 1, 2021 through the date of this hearing. He worked the majority of that time for this employer. However, the plant was once

again shut down due to lack of necessary materials for the manufacturing process from April 5, 2021 through April 9, 2021.

I find that Mr. Goodhall was not able and available for work due to a personal health condition from February 15, 2021 through February 24, 2021. However, I find that he was able and available for work during plant shut downs from March 15, 2021 through March 19, 2021 and from April 5, 2021 through April 9, 2021. He was hospitalized and not able or available for work or otherwise worked his typical job and hours from February 25, 2021 to the date of this hearing.

### **REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the claimant is not able to and available for work effective February 15, 2021 through February 24, 2021. However, the undersigned concludes that claimant was able and available for the time period of March 15, 2021 through March 19, 2021 when there was a plant shut down and also able and available for work from April 5, 2021 through April 9, 2021, when a second plant shut down occurred. Claimant was not available for one week in March 2021 (not coinciding with the above timeframe in March) and was working for this employer for all other dates since February 25, 2021.

Iowa Code § 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 § 96.19, subsection 38, paragraph "b", subparagraph 1, or temporarily unemployed as defined in § 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 § 96.5, subsection 3 are waived if the individual is not disqualified for benefits under § 96.5, subsection 1, paragraph "h".

Iowa Admin. Code r. 871-24.22(1)a 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.

To be able to work, "[a]n 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." *Sierra v. Employment Appeal Board*, 508 N.W.2d 719, 721 (Iowa 1993); *Geiken v. Lutheran Home for the Aged*, 468 N.W.2d 223 (Iowa 1991); Iowa Admin. Code r. 871-24.22(1). "An evaluation of an individual's ability to work for the purposes of determining that individual's eligibility for unemployment benefits must necessarily take into consideration the economic and legal forces at work in the general labor market in which the individual resides." *Sierra* at 723. The court in *Gilmore v. Empl. Appeal Bd.*, 695 N.W.2d 44 (Iowa Ct. App. 2004) noted that "[i]nsofar as the Employment Security Law is not designed to provide health and disability insurance, only those employees who experience illness-induced separations that can fairly be attributed to the employer are properly eligible for unemployment benefits." *White v. Emp't Appeal Bd.*, 487 N.W.2d 342, 345 (Iowa 1992) (citing *Butts v. Iowa Dep't of Job Serv.*, 328 N.W.2d 515, 517 (Iowa 1983)).

The medical condition claimant suffers from is not work-related. Following a period of quarantine in February 2021 and a hospitalization in March 2021, he has been released back to work. Claimant did return to work for the employer without restrictions. He was able and available for work on the dates of the employer's plant shutdowns from March 15-19, 2021 and April 5-9, 2021.

**DECISION:**

The March 29, 2021 (reference 01) unemployment insurance decision is modified in favor of claimant. Claimant has returned to work and was able and available for work during two plant shut downs from March 15-19, 2021 and from April 5-9, 2021. Benefits are allowed during these two periods of time provided claimant is otherwise eligible.



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William H. Grell  
Administrative Law Judge

June 22, 2021  
Decision Dated and Mailed

whg/mh