

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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**ROBBY J KOPPEN**  
Claimant

**LEHIGH HANSON SERVICES LLC**  
Employer

**APPEAL 21A-UI-03580-AD-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 09/20/20**  
**Claimant: Respondent (2)**

Iowa Code § 96.4(3) – Eligibility – A&A – Able to, available for, work search

**STATEMENT OF THE CASE:**

On January 22, 2021, Lehigh Hanson Services LLC (employer/appellant) filed a timely appeal from the January 12, 2021 (reference 01) unemployment insurance decision that denied benefits as of September 20, 2020 based on a finding claimant was unable to perform work due to illness.

Notices of hearing were mailed to the parties' last known addresses of record for a telephone hearing scheduled for March 29, 2021. Robby Koppen (claimant/respondent) participated personally. Employer was not available at the number registered for the hearing and so did not participate.

Official notice was taken of the administrative record.

**ISSUE:**

Is the claimant able to and available for work?

**FINDINGS OF FACT:**

Claimant began working for employer in September 2006. Claimant is still employed by employer. Employer held claimant out of work from September 15, 2020 and continuing until September 28, 2020. Employer held claimant out of work because of claimant potentially being exposed to COVID-19. Claimant was not too ill to work during this time and was available to work. Claimant returned to his usual position on September 28, 2020.

Claimant filed a claim for benefits for the week ending September 26, 2020. Claimant was not paid by employer during that week and did not take paid time off.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the January 12, 2021 (reference 01) unemployment insurance decision that denied benefits as of September 20, 2020 based on a finding claimant was unable to perform work due to illness is REVERSED.

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:

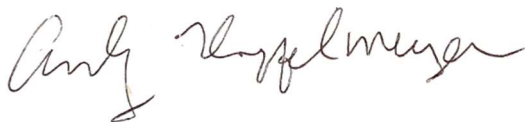
3. The individual is able to work, is available for work, and is earnestly and actively seeking work. This subsection is waived if the individual is deemed partially unemployed, while employed at the individual's regular job, as defined in section 96.19, subsection 38, paragraph "b", unnumbered paragraph (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".

Employer held claimant out of work from September 15, 2020 and continuing until September 28, 2020. Employer held claimant out of work because of claimant potentially being exposed to COVID-19. Claimant was not too ill to work during this time and was available to work. Claimant returned to his usual position on September 28, 2020. Claimant filed a claim for benefits for the week ending September 26, 2020. Claimant was not paid by employer during that week and did not take paid time off. Claimant is therefore eligible for benefits during the week he filed for benefits.

The administrative law judge notes the Department has determined not to charge employers for pandemic-related unemployment. As such, employer will not be charged for benefits paid.

**DECISION:**

The January 12, 2021 (reference 01) unemployment insurance decision that denied benefits as of September 20, 2020 based on a finding claimant was unable to perform work due to illness is REVERSED. Claimant is eligible for benefits during the week he filed.



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

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March 31, 2021  
Decision Dated and Mailed

abd/kmj