

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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**ZAHONTRE BYARS**  
Claimant

**PREMIER STAFFING INC**  
Employer

**APPEAL 21A-UI-15823-AD-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 04/04/21  
Claimant: Appellant (4)**

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Iowa Code section 96.4(3) – Able and Available for Work

**STATEMENT OF THE CASE:**

On July 15, 2021, Zahontre Byars (claimant/appellant) filed an appeal from the July 6, 2021 (reference 01) unemployment insurance decision that denied benefits as of April 4, 2021 based on a finding claimant was not able to perform work due to illness.

A telephone hearing was held on September 7, 2021. The parties were properly notified of the hearing. The claimant participated personally. Premier Staffing Inc (employer/respondent) participated by Office Manager Janelle Karrels.

Claimant's Exhibit 1 was admitted. Official notice was taken of the administrative record.

**ISSUES:**

Is the claimant able and available for work?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds:

Employer is a staffing agency. Claimant began his most recent assignment there on January 29, 2021. The assignment ended on April 21, 2021. The assignment ended at that time because claimant's doctor was holding him out of work due to the pandemic. Claimant was unavailable for work for this reason during the benefit weeks ending April 24, May 1, and May 8, 2021. Claimant contacted employer after that time to request further assignment but was advised he should focus on his health. Employer did not offer him further assignment after that time and he began searching for work elsewhere. Claimant was again unavailable for work during the weeks ending July 24 and July 31, 2021, due to caring for his newborn child. Claimant was able and available for work and searching for work during the other weeks filed from the benefit week ending April 10, 2021 through the benefit week ending August 21, 2021.

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

For the reasons that follow, the July 6, 2021 (reference 01) unemployment insurance decision that denied benefits as of April 4, 2021 based on a finding claimant was not able to perform work due to illness is MODIFIED in favor of appellant. Claimant is eligible for benefits as set forth below.

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 Code section 96.7(2)a(2) provides:

2. Contribution rates based on benefit experience.

a. (2) The amount of regular benefits plus fifty percent of the amount of extended benefits paid to an eligible individual shall be charged against the account of the employers in the base period in the inverse chronological order in which the employment of the individual occurred.

(a) However, if the individual to whom the benefits are paid is in the employ of a base period employer at the time the individual is receiving the benefits, and the individual is receiving the same employment from the employer that the individual received during the individual's base period, benefits paid to the individual shall not be charged against the account of the employer. This provision applies to both contributory and reimbursable employers, notwithstanding subparagraph (3) and section 96.8, subsection 5.

benefit weeks ending April 24, May 1, and May 8, 2021. Claimant contacted employer after that time to request further assignment but was advised he should focus on his health. Employer did not offer him further assignment after that time and he began searching for work elsewhere. Claimant was again unavailable for work during the weeks ending July 24 and July 31, 2021, due to caring for his newborn child.

The administrative law judge finds claimant was able to work, available for work, searching for work and therefore eligible for benefits from the benefit week ending April 10, 2021 through the benefit week ending August 21, 2021, with the exception of the weeks ending April 24, May 1, May 8, July 24, and July 31, 2021. He was unavailable for work in those weeks.

## **DECISION:**

The July 6, 2021 (reference 01) unemployment insurance decision that denied benefits as of April 4, 2021 based on a finding claimant was not able to perform work due to illness is MODIFIED in favor of appellant. Claimant is eligible for benefits as set forth above.



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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

September 15, 2021  
Decision Dated and Mailed

abd/ol

**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>.