

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

KOFFIGAN S AMOUDJI
Claimant

APPEAL NO. 20A-UI-12268-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

WHIRLPOOL CORPORATION
Employer

**OC: 11/24/19
Claimant: Appellant (1)**

Iowa Code Section 96.4(3) – Able & Available

STATEMENT OF THE CASE:

Koffigan Amoudji filed a timely appeal from the September 21, 2020, reference 01, decision that denied benefits effective June 21, 2020, based on the deputy's conclusion that the claimant requested a leave of absence and was approved for a leave of absence, was voluntarily unemployed, and was unavailable for work. After due notice was issued, a hearing was held on December 3, 2020. Claimant participated and presented additional testimony through Reine Hunyovi. The employer did not provide a telephone number for the hearing and did not participate. French-English interpreter Bamy Kazala of CTS Language Link assisted with the hearing. Exhibit A was received into evidence. The administrative law judge took official notice of the following Agency administrative records: KCCO, DBRO, and WAGE-A.

ISSUE:

Whether the claimant was able to work and available for work for the period of June 21, 2020 through September 12, 2020.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Since 2017, the claimant has been employed by Whirlpool Corporation as a full-time material handler. The claimant's work hours are midnight to 7:00 a.m., Monday through Friday.

On June 21, 2020, the claimant established an additional claim for unemployment insurance benefits. On or about that same day, the claimant commenced an unpaid leave of absence based on symptoms she was experiencing that were consistent with COVID-19. The claimant was at that time experiencing a fever, had contacted the company nurse to have his temperature checked, and advised he should go home. The claimant sought medical evaluation. The claimant's doctor did a telephonic screening for COVID-19, determined the claimant had less than 50 percent of the symptoms necessary to trigger COVID-19 testing, and deferred screening for COVID-19. The claimant remained off work through the benefit week that ended September 12, 2020. The claimant made weekly unemployment insurance claims for each of the weeks between June 21, 2020 and September 12, 2020 and received benefits for each of those weeks. During at least a portion of the leave the claimant was ill and

experienced vomiting, headache and diarrhea. The claimant demurs on whether he was able to work during the time he was off work.

REASONING AND CONCLUSIONS OF LAW:

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. 871-24.22(2) 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.

(2) Available for work. The availability requirement is satisfied when an individual is willing, able, and ready to accept suitable work which the individual does not have good cause to refuse, that is, the individual is genuinely attached to the labor market. Since, under unemployment insurance laws, it is the availability of an individual that is required to be tested, the labor market must be described in terms of the individual. A labor market for an individual means a market for the type of service which the individual offers in the geographical area in which the individual offers the service. Market in that sense does not mean that job vacancies must exist; the purpose of unemployment insurance is to compensate for lack of job vacancies. It means only that the type of services which an individual is offering is generally performed in the geographical area in which the individual is offering the services.

Iowa Admin. Code r. 871-24.23(1) and (10) provides:

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

(1) An individual who is ill and presently not able to perform work due to illness.

...

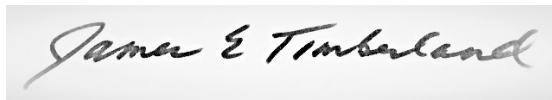
(10) The claimant requested and was granted a leave of absence, such period is deemed to be a period of voluntary unemployment and shall be considered ineligible for benefits for such period.

The evidence establishes that the claimant was on an illness-based leave of absence during the period of June 21, 2020 through the benefit week that ended September 12, 2020. The claimant did not meet the able and available requirements during that period and is not eligible for regular benefits for that period.

Even though claimant is not eligible for regular unemployment insurance benefits under state law, the claimant may be eligible for federally funded unemployment insurance benefits under the Coronavirus Aid, Relief, and Economic Security Act ("Cares Act"), Public Law 116-136. Section 2102 of the CARES Act creates a new temporary federal program called Pandemic Unemployment Assistance (PUA) that in general provides up to 39 weeks of unemployment benefits. An individual receiving PUA benefits may also receive the \$600 weekly benefit amount (WBA) under the Federal Pandemic Unemployment Compensation (FPUC) program if he or she is eligible for such compensation for the week claimed.

DECISION:

The September 21, 2020, reference 01, decision is affirmed. The claimant did not meet the able and available requirements during the period of June 21, 2020 and September 12, 2020 and is not eligible for regular state unemployment insurance benefits for that period.



James E. Timberland
Administrative Law Judge

February 1, 2021
Decision Dated and Mailed

jet/scn

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 will be required to repay the benefits you have received.**