

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

DOMINIQUE C CULLOM
Claimant

LONGHOUSE NORTSHIRE LTD
Employer

APPEAL 21A-UI-11420-JC-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 06/21/20
Claimant: Appellant (1)

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

STATEMENT OF THE CASE:

The claimant/appellant, Dominique C. Cullom, filed an appeal from the April 22, 2021 (reference 08) Iowa Workforce Development (“IWD”) unemployment insurance decision that denied benefits.

The parties were properly notified about the hearing. A telephone hearing was held on July 12, 2021. The hearing was held together with Appeals 21A-UI-11422-JC-T and 21A-UI- 11423-JC-T. The claimant participated. The employer participated through Rosemary Hibbs, former DON/future administrator. Linda Ragland also participated. The administrative law judge took official notice of the administrative records. Based on the evidence, the arguments presented, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Was the claimant able and available for work effective April 4, 2021?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant began employment August 2, 2019 as a full-time CNA. Effective June 20, 2020, claimant requested to go PRN/on-call due to a lack of childcare. Her rate of pay at the time was \$14.85 per hour. Claimant then requested to go back to part-time employment at the end of August 2020 when her children returned to school. Claimant was not guaranteed a set number of hours or shifts as a part-time employee.

Claimant worked part-time until April 1, 2021 when she reported to the employer that she was under medical care for her back. She has not filed any report or worker’s compensation claim. Claimant remains under medical care and is anticipating back surgery soon. Claimant has not been released to return to work. Employer has had work available to claimant.

Claimant has made weekly continued claims each week since establishing a claim for benefits effective June 20, 2020, which coincides with claimant's request to go part-time.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant was not able to and available for work effective April 1, 2021.

Iowa Admin. Code r. 871-24.23(35) provides:

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

(35) Where the claimant is not able to work and is under the care of a medical practitioner and has not been released as being able to work.

For an individual to be eligible to receive benefits, she must be able to work, available for work, and actively seeking work as required by the unemployment insurance law. Iowa Code § 96.4(3). The burden is on the claimant to establish that she is able and available for work within the meaning of the statute. Iowa Code § 96.6(2); Iowa Admin. Code r. 871-24.22.

Since April 1, 2021, claimant has been unable to work due to an injury. She has not been released to work by her treating physician. The claimant is not able and available for work effective April 1, 2021. Regular unemployment insurance benefits funded by the state of Iowa are denied until such time the claimant is able to and available for work.

DECISION:

The unemployment insurance decision dated April 22, 2021, (reference 08) is affirmed. The claimant is not able and available for work effective April 1, 2021. Regular unemployment insurance benefits funded by the state of Iowa are denied until such time the claimant is able to and available for work.



Jennifer L. Beckman
Administrative Law Judge
Unemployment Insurance Appeals Bureau
Iowa Workforce Development
1000 East Grand Avenue
Des Moines, Iowa 50319-0209
Fax 515-478-3528

July 22, 2021
Decision Dated and Mailed

jlb/kmj

NOTE TO CLAIMANT: This decision determines you are not eligible for regular unemployment insurance benefits. 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. Individuals who do not qualify for regular unemployment insurance benefits, but who are unemployed or continue to be 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 under the program.** Additional information on how to apply for PUA can be found at <https://www.iowaworkforcedevelopment.gov/pua-information>. If this decision becomes final or if you are not eligible for PUA, you may have an overpayment of benefits.

ATTENTION: On May 11, 2021, Governor Reynolds announced that Iowa will end its participation in federal pandemic-related unemployment benefit programs effective June 12, 2021. The last payable week for PUA in Iowa will be the week ending June 12, 2021. Additional information can be found in the press release at <https://www.iowaworkforcedevelopment.gov/iowa-end-participation-federal-unemployment-benefit-programs-citing-strong-labor-market-and>.

You may find information about food, housing, and other resources at <https://covidrecoveryiowa.org/> or at <https://dhs.iowa.gov/node/3250>

Iowa Finance Authority also has additional resources at <https://www.iowafinance.com/about/covid-19-ifa-recovery-assistance/>