

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

LANCE B WILLIAMS
Claimant

TSI ENTERPRISES INC
Employer

APPEAL 22A-UI-03454-JC-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 12/26/21
Claimant: Appellant (1)

Iowa Code § 96.4(3) – Ability to and Availability for Work

STATEMENT OF THE CASE:

The claimant/appellant, Lance B. Williams, filed an appeal from the January 12, 2022 (reference 01) Iowa Workforce Development (“IWD”) unemployment insurance decision that denied benefits. After proper notice, a telephone hearing was held on March 9, 2022. Claimant participated personally. Employer/respondent, TSI Enterprises Inc., participated through Sarah Fiedler. Official notice was taken of the administrative record.

ISSUE:

Was the claimant able and available for work effective December 26, 2021?

FINDINGS OF FACT:

Having reviewed all the evidence presented, the administrative law judge finds: Claimant has worked on assignment through this employer since 2009. Prior to establishing his claim for benefits effective December 26, 2021, claimant last worked on December 14, 2021 with Grain Processing Inc. From December 15, 2021 until January 5, 2022, claimant was on a personal, medical leave of absence. Claimant had tested positive for COVID-19. Claimant responded to employer’s text message about returning to work on January 3, 2022 and completed the required return-to-duty fitness test. Had claimant not been sick, work was available.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes claimant was not able and available for work.

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 96.1A, subsection 38, paragraph "b", subparagraph (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. 871-24.23(1) 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.

For a totally unemployed individual to be eligible to receive benefits, he 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 he is able and available for work within the meaning of the statute. Iowa Code § 96.6(2); Iowa Admin. Code r. 871-24.22.

The administrative law judge recognizes the claimant has filed his claim due to hardship related to the COVID-19 pandemic. Claimant in this case was on a leave of absence from work from December 15, 2021 until January 5, 2022 because of illness. He was not able and available for work according to Iowa law. Regular state-funded benefits are denied.

DECISION:

The January 12, 2022 (reference 01) initial decision is affirmed. Claimant was not able and available for work according to Iowa law. Regular state-funded benefits are denied.



Jennifer L. Beckman
Administrative Law Judge
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March 25, 2022
Decision Dated and Mailed

jlb/mh