

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

WILLIAM R JUUNS
Claimant

RYAN COMPANIES US INC
Employer

APPEAL NO. 20A-UI-03800-B2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 11/03/19
Claimant: Appellant (2)**

Iowa Code § 96.4-3 – Able and Available
Iowa Code § 96.5-1 – Voluntary Quit
Iowa Code § 96.3(7) – Recovery of Benefit Overpayment
Federal Law PL 116-136 Sec. 2104 – Eligibility for Federal Pandemic Unemployment Compensation

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated April 22, 2020, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on May 27, 2020. Claimant participated. Employer participated by John Morgan. Claimant and appellant agreed to waive time and notice and additionally address the issue of whether claimant is able and available for work.

ISSUE:

Whether claimant quit for good cause attributable to employer?

Whether claimant is able and available for work?

Was claimant overpaid benefits?

Is claimant eligible for Federal Pandemic Unemployment Compensation?

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant last worked for employer on March 19, 2020. Claimant and his wife came down with COVID-like symptoms at or around that time. Claimant was asked by employer not to come into work until he and others at home were cleared from illness that could be COVID.

Claimant has not received state unemployment benefits since being laid off in this matter. Claimant has not received Federal Pandemic Unemployment Compensation in this matter.

On April 27, 2020 claimant called employer and stated that he and his wife were in a condition that it would be safe for claimant to return to work. Employer told claimant that he had no work available at the time and continues to not have available work.

REASONING AND CONCLUSIONS OF LAW:

Employer laid off claimant from work on or around March 19, 2020. The layoff was COVID-related. Employer continues to this day to not have work available for claimant.

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(1)a 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.

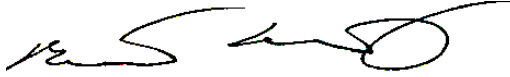
(1) Able to work. An individual must be physically and mentally able to work in some gainful employment, not necessarily in the individual's customary occupation, but which is engaged in by others as a means of livelihood.

a. Illness, injury or pregnancy. Each case is decided upon an individual basis, recognizing that various work opportunities present different physical requirements. A statement from a medical practitioner is considered prima facie evidence of the physical ability of the individual to perform the work required. A pregnant individual must meet the same criteria for determining ableness as do all other individuals.

As claimant and employer did not present information that claimant's flulike symptoms were such that he could not work, claimant is seen to have been able and available to work. As employer laid off claimant during the time he and his wife were suffering from the symptoms, claimant is not disqualified from the receipt of benefits. Employer continues to not have work available for claimant. Claimant continues to be eligible for the receipt of benefits.

DECISION:

The decision of the representative dated April 22, 2020, reference 01, is reversed. Unemployment insurance benefits are allowed, provided claimant is otherwise eligible.



Blair A. Bennett
Administrative Law Judge

May 29, 2020
Decision Dated and Mailed

bab/scn