

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

RAMIRO ESCATEL
Claimant

APPEAL 21A-UI-20974-AD-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

ATTACHMENT TECHNOLOGIES INC
Employer

OC: 08/08/21
Claimant: Respondent (2)

Iowa Code § 96.4(3) – Eligibility – A&A – Able to, available for, work search

STATEMENT OF THE CASE:

On September 24, 2021, Attachment Technologies, Inc. (employer/appellant) filed a timely appeal from the decision dated September 21, 2021 (reference 01) that allowed unemployment insurance benefits beginning August 8, 2021 based on a finding claimant was able and available for work during a short-term layoff.

A telephone hearing was held on November 10, 2021. The parties were properly notified of the hearing. Ramiro Escatel (claimant/respondent) did not register a number for the hearing or participate. Employer participated by Sr. HR Generalist Eric Dirks.

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

ISSUE(S):

- I. Is the claimant able to and available for work?

FINDINGS OF FACT:

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

Claimant began working for employer on May 27, 2014. Claimant last performed work on November 9, 2021. Claimant was employed as a full-time assembler. Claimant traveled out of state via airplane and returned on August 9, 2021. Prior to leaving employer explained to claimant that because he was unvaccinated he would have to quarantine for 14 day upon his return but could return to work within a few days with a negative PCR test. This policy was also posted and available for employees. Claimant still chose to travel and declined a PCR test when he returned. He was held out of work for 14 days pursuant to policy as a result, from August 10 through August 23, 2021. Claimant filed a claim for benefits in the weeks ending August 14 and 21, 2021.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the decision dated September 21, 2021 (reference 01) that allowed unemployment insurance benefits beginning August 8, 2021 based on a finding claimant was able

and available for work during a short-term layoff is REVERSED. Claimant is ineligible for benefits during the weeks filed.

Iowa Code section 96.4(3) provides:

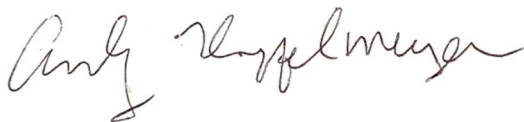
An unemployed individual shall be eligible to receive benefits with respect to any week only if the department finds that:

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".

The administrative law judge finds claimant made himself unavailable for work during the weeks filed by choosing to travel by airplane out of state while unvaccinated and declining a PCR test upon return. These were reasonable safety measures put in place by employer in response to the COVID-19 pandemic and claimant was aware of them. Benefits are therefore denied during the weeks filed.

DECISION:

The decision dated September 21, 2021 (reference 01) that allowed unemployment insurance benefits beginning August 8, 2021 based on a finding claimant was able and available for work during a short-term layoff is REVERSED. Claimant is ineligible for benefits during the weeks filed.



Andrew B. Duffelmeyer
Administrative Law Judge
Unemployment Insurance Appeals Bureau
1000 East Grand Avenue
Des Moines, Iowa 50319-0209
Fax (515) 478-3528

December 9, 2021
Decision Dated and Mailed

abd/kmj

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>.