

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**CHELSI L HUPPERT**  
Claimant

**TEAM STAFFING SOLUTIONS INC**  
Employer

**APPEAL 20R-UI-10131-JC-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 04/05/20**  
**Claimant: Appellant (4)**

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

**STATEMENT OF THE CASE:**

The claimant/appellant, Chelsi L. Huppert, filed an appeal from the May 29, 2020 (reference 03) Iowa Workforce Development (“IWD”) unemployment insurance decision that denied benefits.

A first hearing was scheduled for June 10, 2020, but dismissed, when the claimant failed to appear. Upon successfully requesting reopening to the Employment Appeal Board (EAB), the matter was remanded for a new hearing.

The parties were properly notified about the hearing. A telephone hearing was held on October 1, 2020. The hearing was held jointly with Appeal 20R-UI-10130-JC-T. The claimant participated. The employer, Team Staffing Solutions Inc., participated through risk manager, Sarah Fiedler.

The administrative law judge took official notice of the administrative records. Employer Exhibit 1 was admitted into evidence. 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:**

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: The claimant most recently worked for Team Staffing Solutions Inc. Her assignment and employment ended on April 28, 2020. (See 20R-UI-10130-JC-T). Claimant established her claim while still working, with an effective date of April 5, 2020.

Claimant did not perform work during the week of April 5-11, 2020 because she was sick with a fever multiple days. Claimant worked full-time April 12-16, 2020 and her final day of work was on April 16, 2020.

Claimant did not perform work from April 16, 2020 until September 2, 2020, when she began new employment. Claimant was absent from work at Team Staffing Solutions Inc. April 19, 20, 21 and 27 due to childcare issues and having possible contractions. Claimant began a maternity leave on April 22, 2020 and gave birth to her child on May 10, 2020. She remained off work under medical restrictions until June 26, 2020.

From June 26, 2020 through September 1, 2020, claimant was able to and available for work. She looked for full-time employment as CNA. She did not refuse any offers of work. Effective September 2, 2020, she began new employment.

## **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 96.1A, 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 provides in pertinent parts:

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.

...

(23) The claimant's availability for other work is unduly limited because such claimant is working to such a degree that removes the claimant from the labor market.

...

(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 unemployed 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.

**April 5, 2020 through June 25, 2020:**

During this period, the claimant was unable to work due to personal illness and remained under medical care after giving birth to her child on May 10, 2020. See Iowa Admin. Code r. 871-24.23(1), Iowa Admin. Code r. 871-24.23(35). Benefits are denied during this period as claimant was not able to and available for work.

**June 26, 2020 through September 1, 2020:**

Claimant has established she was able to, available for and actively seeking work during this period. She did not refuse any offers of work. She was released to return to work without restrictions effective June 26, 2020. Benefits are allowed, provided claimant is otherwise eligible. See 20R-UI-10130-JC-T.

**Effective September 2, 2020:**

Claimant began full-time employment effective September 2, 2020 and has been removed from the labor market. Accordingly, she is ineligible for benefits. See Iowa Admin. Code r. 871-24.23(23)

*Even though the claimant is not eligible for regular unemployment insurance benefits under state law, he/she 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. The claimant must apply for PUA, as noted in the instructions provided in the "Note to Claimant" below.*

**DECISION:**

The unemployment insurance decision dated May 29, 2020; (reference 03) is modified in favor of the claimant/appellant

The claimant is not able and available for work effective April 5, 2020 through June 25, 2020. Regular unemployment insurance benefits funded by the state of Iowa are denied until such time the claimant is able to and available for work.

Claimant was able and available for work June 26, 2020 through September 1, 2020. Benefits are allowed, provided she is otherwise eligible. (See 20R-UI-10130-JC-T).

Effective September 2, 2020, claimant is employed full-time and therefore does not meet the eligibility requirements. Regular unemployment insurance benefits funded by the state of Iowa are denied until such time the claimant is able to and available for work.

**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.
- If you do not qualify for regular unemployment insurance benefits due to disqualifying separations 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.** More information about how to apply for PUA is available online at:

[www.iowaworkforcedevelopment.gov/pua-information](http://www.iowaworkforcedevelopment.gov/pua-information)



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October 2, 2020  
Decision Dated and Mailed

jlb/scn