

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

KATRINA G KRAMER
Claimant

APPEAL 21A-UI-00601-DZ-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

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

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

STATEMENT OF THE CASE:

Katrina G Kramer, the claimant/appellant, filed an appeal from the November 20, 2020, (reference 02) unemployment insurance decision that denied benefits as of August 30, 2020. The parties were properly notified about the hearing. A telephone hearing was held on February 13, 2021. Ms. Kramer participated and testified. Official notice was taken of the administrative record.

ISSUE:

Is Ms. Kramer able to and available for work?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Ms. Kramer tested positive for COVID-19 on October 10, 2020. On advice of her doctor Ms. Kramer self-quarantined from October 10 through October 31. Ms. Kramer self-quarantined for 21 days due to her underlying health conditions.

Ms. Kramer then became sick with bronchitis and strep throat during the first week of November. Ms. Kramer was sick for a few days but less than a full week during the week of November 2-7. Ms. Kramer returned to work on, or about November 4, 2020.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, this administrative law judge concludes that Ms. Kramer is able to and available for work effective August 30, 2020, except she is not able to and available for work from October 10, 2020 through November 4, 2020.

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. 871-24.23(10) and (35) provide:

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.

In this case, Ms. Kramer was sick from COVID-19 from October 10 through October 31 and she was sick from bronchitis and strep throat from November 2 through November 4. Since Ms. Kramer was not able to work during this time period, regular, state-funded unemployment insurance benefits are denied during this time period. Ms. Kramer is otherwise able and available for work effective August 30, 2020.

Even though Ms. Kramer is not eligible for regular unemployment insurance benefits under state law from October 10, 2020 through November 4, 2020, 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 for this time period. 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 up to 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.

DECISION:

The November 20, 2020, (reference 02) unemployment insurance decision is modified in favor of the appellant, Ms. Kramer. Ms. Kramer is able to and available for work effective August 30, 2020, except she is not able to and available for work from October 10, 2020 through November 4, 2020. Benefits are allowed from August 30, 2020 through October 9, 2020 and effective November 5, 2020.



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

February 25, 2021
Decision Dated and Mailed

dz/scn

NOTE TO CLAIMANT:

- This decision determines you are not eligible for regular unemployment insurance benefits under state law from October 10, 2020 through November 4, 2020. 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 under state law 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.** For more information on how to apply for PUA, go to <https://www.iowaworkforcedevelopment.gov/pua-information>. **If you do not apply for and are not approved for PUA, you may be required to repay the benefits you've received so far.**