

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

AMANDA M ROBINSON
Claimant

**OZARK AUTOMOTIVE DISTRIBUTORS
INC**
Employer

**APPEAL 21A-UI-03733-AD-T
ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 06/07/20
Claimant: Respondent (3)**

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

STATEMENT OF THE CASE:

On January 25, 2021, Ozark Automotive Distributors Inc (employer/appellant) filed a timely appeal from the January 15, 2021 (reference 03) unemployment insurance decision that allowed benefits beginning December 20, 2020 based on a finding claimant was able and available for work.

A telephone hearing was held on March 30, 2021. The parties were properly notified of the hearing. Amanda Robinson (claimant/respondent) participated personally Employer participated by HR Business Partner Julie Akers.

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 October 24, 2013. Claimant is still employed by employer. Claimant is employed full-time as a corporate assistant. Claimant hours were from 8 a.m. to 5 p.m., Monday through Friday.

Employer held claimant out of work as a precaution from June 11 through July 5, 2020, due to potential exposure to COVID-19. Claimant was similarly held out from October 16 through November 1, 2020 and from December 16, 2020 to January 4, 2021. Claimant was not paid during these periods except for taking vacation pay on December 16, 17, 18, and 21, 2021. Claimant was not too ill to work during these periods and was otherwise available for work.

Claimant filed a claim for benefits from the benefit week ending June 13 through the benefit week ending July 11, 2020; for the weeks ending October 24 and 31, 2020; and for the week ending January 2, 2021.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the January 15, 2021 (reference 03) unemployment insurance decision that allowed benefits beginning December 20, 2020 based on a finding claimant was able and available for work is MODIFIED in favor of respondent. Claimant was able to and available for work during each week 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".

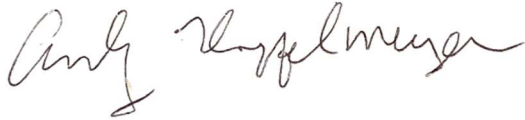
Claimant filed a claim for benefits from the benefit week ending June 13 through the benefit week ending July 11, 2020; for the weeks ending October 24 and 31, 2020; and for the week ending January 2, 2021. Employer held claimant out of work as a precaution during these periods.

Claimant was not too ill to work during these periods and was otherwise available for work. Claimant was therefore able to and available for work during the weeks filed and is eligible for benefits during those weeks, provided all other eligibility requirements are met.

Because claimant's unemployment was pandemic-related and the Department is not charging employers for pandemic-related unemployment, employer will not be charged for benefits paid.

DECISION:

The January 15, 2021 (reference 03) unemployment insurance decision that allowed benefits beginning December 20, 2020 based on a finding claimant was able and available for work is MODIFIED in favor of respondent. Claimant was able to and available for work and therefore eligible for benefits during each week filed.



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

April 2, 2021
Decision Dated and Mailed

abd/kmj