

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

PAMELA K SADLER
Claimant

DES MOINES IND COMMUNITY SCH DIST
Employer

APPEAL 21A-UI-22796-AD-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 03/15/20
Claimant: Appellant (5)

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

STATEMENT OF THE CASE:

On October 14, 2021, Pamela Sadler (claimant/appellant) filed a timely appeal from the Iowa Workforce Development decision dated October 6, 2021 (reference 02) that denied benefits as of March 15, 2020 based on a finding claimant was ineligible for benefits between academic years or terms.

A telephone hearing was held on December 6, 2021. The parties were properly notified of the hearing. Claimant participated personally. Des Moines Ind Community School District (employer/respondent) participated by Rhonda Wagoner Heather Jacobis participated as a witness for employer.

Employer's Exhibits 1-4 were 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 as a substitute teacher on October 10, 2016. Claimant is still employed by employer as a substitute teacher. Claimant most recently performed work on March 6, 2020. Claimant has not performed work since that time. Claimant's doctor advised her around that time not to perform work due to health issues which make her particularly susceptible to Covid-19. Claimant has been following that advice since. Claimant filed a claim for benefits each week from the benefit week ending March 21, 2020 through the benefit week ending June 26, 2021.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the decision dated October 6, 2021 (reference 02) that denied benefits as of March 15, 2020 based on a finding claimant was ineligible for benefits between academic years or terms is MODIFIED with no change in effect.

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:

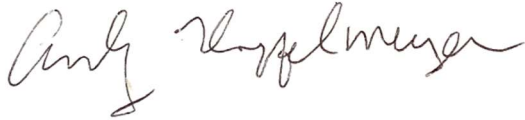
3. The individual is able to work, is available for work, and is earnestly and actively seeking work. This subsection is waived if the individual is deemed partially unemployed, while employed at the individual's regular job, as defined in section 96.19, subsection 38, paragraph "b", unnumbered paragraph (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 is ineligible for benefits effective March 15, 2020 and continuing until she is released to return to work. Claimant is ineligible for benefits because she is unable to/unavailable for work due to her doctor advising she not work and claimant heeding that advice. An individual must be able to and available for work during each week filed for benefits in order to be eligible for benefits in that week.

The decision is modified solely to reflect that claimant is ineligible for benefits effective March 15, 2020 due to being unable to/unavailable for work rather than due to being unemployed between academic years or terms.

DECISION:

The decision dated October 6, 2021 (reference 02) that denied benefits as of March 15, 2020 based on a finding claimant was ineligible for benefits between academic years or terms is MODIFIED with no change in effect. Claimant is ineligible for benefits effective March 15, 2020 due to being unable to/unavailable for work. This period of ineligibility will continue until claimant is able to/available for work.



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

January 6, 2022

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>.