

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

**DANIEL FRANCOIS**  
Claimant

**EAGLE WINDOW & DOOR  
MANUFACTURING**  
Employer

**APPEAL 21A-UI-05318-SN-T**  
**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 03/29/20**  
**Claimant: Appellant (2)**

Iowa Code § 96.4(3) – Ability to and Availability for Work  
Iowa Admin. Code r. 871-24.22 – Able & Available - Benefits Eligibility Conditions

**STATEMENT OF THE CASE:**

The claimant filed an appeal from the February 8, 2021, (reference 03) unemployment insurance decision that denied benefits based upon not him being able to and available for work for the week ending November 8, 2020. After due notice was issued, a telephone conference hearing was scheduled to be held on April 22, 2021. The claimant participated. The employer did not participate. The administrative law judge took official notice of the agency records.

**ISSUE:**

Was the claimant able to work and available for work week ending November 8, 2020?

**FINDINGS OF FACT:**

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

The claimant, Daniel Francois, started employment with the employer, Eagle Window and Door Manufacturing, as a full-time laborer on July 13, 1999. His rate of pay was \$19.38. He worked a set schedule Monday through Friday from 5:45 a.m. to 2:15 p.m. The claimant occasionally worked overtime shifts on Saturdays.

The employer has a Covid19 spread mitigation practice which instructs an employee to quarantine for 24 days if they live in the same household with someone who has tested positive for Covid19.

On November 9, 2020, the claimant was informed that his spouse had tested positive for Covid19. That same day, the claimant informed his supervisor, Larry Grant, of the circumstances. Mr. Grant told him that he would have to quarantine until December 4, 2020, per company policy.

On November 11, 2020, the claimant underwent a Covid19 test. The claimant provided a medical provider excuse showing he received the test on that date. (Exhibit B)

On November 15, 2020, the claimant received negative Covid-19 test results. The claimant provided a copy of his negative test results. (Exhibit A)

On December 4, 2020, the claimant returned to work as scheduled. The claimant has worked his regular hours since that date. The claimant did not experience any symptoms of Covid19 during his quarantine period. The employer would have provided work to him if he had not been subject to its Covid19 spread mitigation practice.

## **REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes that the claimant was able to work and available for work effective November 8, 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. 871-24.22(1)a provides:

**Benefits eligibility conditions.** For an individual to be eligible to receive benefits the department must find that the individual is able to work, available for work, and earnestly and actively seeking work. The individual bears the burden of establishing that the individual is able to work, available for work, and earnestly and actively seeking work.

**(1) Able to work.** An individual must be physically and mentally able to work in some gainful employment, not necessarily in the individual's customary occupation, but which is engaged in by others as a means of livelihood.

a. *Illness, injury or pregnancy.* Each case is decided upon an individual basis, recognizing that various work opportunities present different physical requirements. A statement from a medical practitioner is considered prima facie evidence of the physical ability of the individual to perform the work required. A pregnant individual must meet the same criteria for determining ableness as do all other individuals.

Iowa Admin. Code r. 871-24.23 provides:

**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.

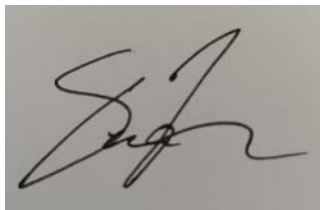
(10) The claimant requested and was granted a leave of absence, such period is deemed to be a period of voluntary unemployment and shall be considered ineligible for benefits for such period.

An individual claiming benefits has the burden of proof that he is be able to work, available for work, and earnestly and actively seeking work. Iowa Admin. Code r. 871-24.22.

The claimant did not request a leave of absence and was not ill. The employer instructed him to quarantine in order to comply with its Covid19 spread mitigation practice. Benefits are granted.

**DECISION:**

The February 8, 2021, (reference 03) unemployment insurance decision is reversed. The claimant was able to work and available ending November 8, 2020. Benefits are granted.



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Sean M. Nelson  
Administrative Law Judge  
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April 27, 2021  
Decision Dated and Mailed

smn/scn