

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

MACEY CARLISLE
Claimant

LTF CLUB MANAGEMENT COMPANY, LLC
Employer

APPEAL 21A-UI-05312-DZ-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 03/22/20
Claimant: Appellant (1)

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

STATEMENT OF THE CASE:

Macey Carlisle, the claimant/appellant, filed an appeal from the February 8, 2021, (reference 01) unemployment insurance decision that denied benefits as of November 8, 2020. The parties were properly notified about the hearing. A telephone hearing was held on April 21, 2021. Ms. Carlisle participated and testified. The employer did not register and did not participate. Claimant's Exhibits A and B were admitted into evidence.

ISSUES:

Is Ms. Carlisle able to and available for work?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Ms. Carlisle began working for the employer on July 28, 2018. She works as a full-time licensed massage therapist.

In March 2020, the United States declared a public health emergency because of the COVID-19 pandemic. The employer's policy requires employees to self-quarantine at least 10 days from the onset of COVID-19 symptoms.

On November 7, 2020, after she had left work, Ms. Carlisle began experiencing COVID-19 symptoms. Ms. Carlisle contacted her manager that day. Ms. Carlisle's manager told her not to return to work until she had been tested for COVID-19. Ms. Carlisle tested positive for COVID-19 on November 10. Ms. Carlisle self-quarantined from November 8 through November 17. She returned to work on November 18.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes that Ms. Carlisle is not available for work from November 8, 2020 through November 17, 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(1) 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. Carlisle was diagnosed with COVID-19 and was not available for work from November 8, 2020 through November 17, 2020. Since Ms. Carlisle was not able to work during this time period, regular, state-funded unemployment insurance benefits are denied during this time period.

Even though Ms. Carlisle is not eligible for regular unemployment insurance benefits under state law from November 8, 2020 through November 17, 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 during 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 February 8, 2021, (reference 01) unemployment insurance decision is affirmed. Ms. Carlisle was not available for work from November 8, 2020 through November 17, 2020. Benefits are denied during this time period.



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

April 26, 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 November 8, 2020 through November 17, 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.**
- To check on a PUA application you have already submitted, please call 866-239-0843.