

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

JOY BANTER
Claimant

FAREWAY STORES INC
Employer

APPEAL 22A-UI-05916-JD-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 10/03/21
Claimant: Appellant (2R)**

Iowa Code § 96.4(3) – Able & Available
Iowa Code § 96.1(a)(37) – Total, Partial, Temporary Unemployment
Iowa Code § 96.7(2)(a)(2) – Partial Benefits Iowa Code
Iowa Admin. Code r. – 871-24.23(26) – Same Hours & Wages

STATEMENT OF THE CASE:

On March 7, 2022, the claimant filed an appeal from the March 3, 2022, (reference 02) unemployment insurance decision that denied benefits based on a decision that the claimant was not able to or available for work. The parties were properly notified about the hearing. A telephone hearing was held on April 15, 2022. Claimant, Joy Bainter, participated and testified. Employer participated through Stephanie Rohrer, Human Resources Generalist and Jess McElvain, General Manager. The administrative law judge took official notice of the administrative record.

ISSUE:

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 July 8, 2019. Claimant last worked as a full-time grocery clerk. Claimant was required to be off of work from October 5, 2021, through October 12, 2021, due to the employer's Covid-19 quarantine policy. The claimant had some sinus issues but was able to and available for work during the week she was required to remain away from her job due to employer's Covid-19 protocol.

The claimant voluntarily quit her job at Fareway Stores, Inc. on October 30, 2021, for other employment.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code § 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".

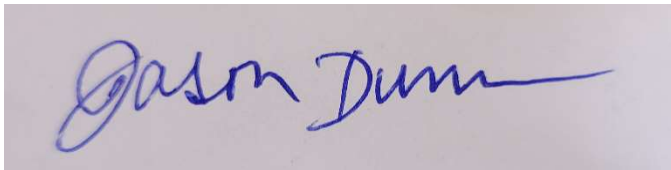
The claimant was able to and available for work for the week end October 9, 2021, the only week the claimant filed for benefits to-date.

DECISION:

The March 3, 2022, (reference 02), is reversed. The claimant was able to and available for work for the week ending October 9, 2021.

REMAND:

The claimant subsequent separation from the employer on October 30, 2021, is remanded to the Benefits Bureau for review and determination. The claimant did voluntarily quit her employer for other work where she is currently employed.



Jason Dunn
Administrative Law Judge
Unemployment Insurance Appeals Bureau
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Des Moines, Iowa 50319-0209
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April 26, 2022
Decision Dated and Mailed

jd/kmj