

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

JANIS SCHEFFLER
Claimant

HY VEE INC
Employer

APPEAL 22A-UI-03325-JD-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 04/04/21
Claimant: Appellant (1)

Iowa Code § 96.4(3) Able & Available

STATEMENT OF THE CASE:

On January 18, 2022, the claimant filed an appeal from the January 13, 2022, (reference 01) unemployment insurance decision that denied benefits based on a determination 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 March 3, 2022. Claimant, Janis Scheffler, participated and testified. Employer did not call the toll-free number listed on the notice of hearing and did not participate. 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 is employed as a full-time produce supervisor. Claimant was unable to work from December 20, 2021, through January 24, 2022, due to illness. Specifically the claimant contracted Covid-19 and experiences symptoms significant enough that did not allow her to work for that time frame. The claimant returned to work once she regained her health.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes that the claimant is not able to work and available for work for the period in question.

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".

Iowa Admin. Code r. 871-24.23(1) provides:

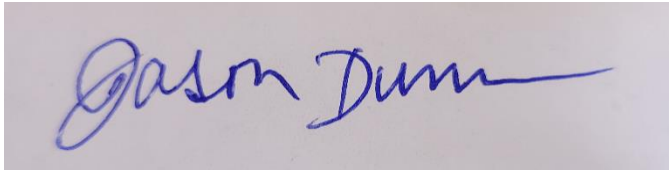
Availability disqualifications. The following are reasons for a claimant being disqualified for being unavailable for work.

(1) An individual who is ill and presently not able to perform work due to illness.

Claimant's illness did not allow her to perform work due to her illness. The claimant stated that she wanted to work but her illness made her physically unable. Benefits are denied effective December 20, 2021.

DECISION:

The January 13, 2022, (reference 01) unemployment insurance decision is affirmed. The claimant is not able to work and available for work effective December 20, 2021. Benefits are denied.



Jason Dunn
Administrative Law Judge
Unemployment Insurance Appeals Bureau
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March 22, 2022
Decision Dated and Mailed

jd/mh