

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**JOY WOODARD**  
Claimant

**UNIVERSAL PROTECTION SERVICE LLC**  
Employer

**APPEAL 22A-UI-03142-JD-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 01/17/21  
Claimant: Appellant (1R)**

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Iowa Code § 96.4(3) – Able & Available

**STATEMENT OF THE CASE:**

On January 13, 2022, the claimant filed an appeal from the January 3, 2022, (reference 05) unemployment insurance decision that denied benefits based on a determination that the claimant was not able to or able for work due to illness effective November 28 2021. The parties were properly notified about the hearing. A telephone hearing was held on March 2, 2022. Claimant, Joy Woodard, 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 began working for employer on August 17, 2020. Claimant last worked as an on-call security guard. Claimant was separated from employment on December 15, 2021, when she separated from employment. The claimant contracted Covid-19 and was symptomatic and unable to work from November 27, 2021 through December 12, 2021.

The claimant's separation from employment has not yet been the subject of a Benefits Bureau fact-finding interview.

**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, due to illness effective November 28, 2021.

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 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.

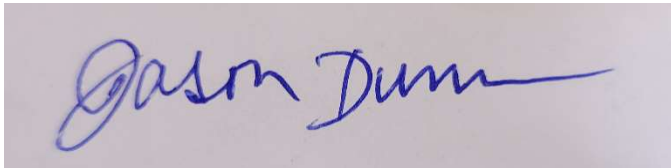
The claimant was not able to or available for work due to illness effective November 28, 2021.

**DECISION:**

The January 3, 2022, (reference 05) unemployment insurance decision is affirmed. The claimant is not able to work and available for work effective November 28, 2021. Benefits are denied.

**REMAND:**

The separation issue is remanded to the Benefits Bureau of Iowa Workforce Development for a fact-finding interview and unemployment insurance decision if deemed necessary.



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Jason Dunn  
Administrative Law Judge  
Unemployment Insurance Appeals Bureau  
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Des Moines, Iowa 50319-0209  
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March 16, 2022  
Decision Dated and Mailed

jd/kmj