

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

BRETT N STAHR
Claimant

AGRI STAR MEAT & POULTRY LLC
Employer

APPEAL 21A-UI-07817-AD-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

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

Iowa Code § 96.4(3) – Ability to and Availability for Work

STATEMENT OF THE CASE:

On March 18, 2021, Brett Stahr (claimant/appellant) filed an appeal from the March 8, 2021 (reference 01) unemployment insurance decision that denied benefits as of March 22, 2020 based on a finding claimant was unable to perform work due to illness.

A telephone hearing was held on May 27, 2021. The parties were properly notified of the hearing. The claimant participated personally. Agri Star Meat & Poultry LLC (employer/respondent) participated by Payroll/HR Laura Roney. Official notice was taken of the administrative record.

ISSUES:

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 worked for employer as a full-time shipping laborer. Claimant's first day of employment was May 7, 2014. The last day claimant worked on the job was August 17, 2020. Claimant was ill and unable to work due to having COVID-19 and related symptoms for much of the period from March 22, 2020 until May 16, 2020. He did work sporadically during this period when he was feeling well enough to. Claimant filed a claim for benefits effective March 22, 2020 and continuing through May 16, 2020.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the March 8, 2021 (reference 01) unemployment insurance decision that denied benefits as of March 22, 2020 based on a finding claimant was unable to perform work due to illness is AFFIRMED.

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:

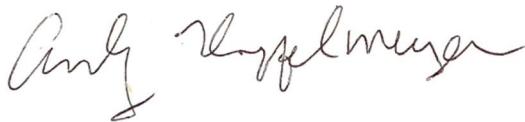
3. The individual is able to work, is available for work, and is earnestly and actively seeking work. This subsection is waived if the individual is deemed partially unemployed, while employed at the individual's regular job, as defined in section 96.19, subsection 38, paragraph "b", unnumbered paragraph (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".

Any period of unemployment during the weeks claimant filed for benefits was due to him being too ill to work. As such he is ineligible for benefits during that time.

While this decision denies regular, state benefits, the evidence indicates claimant may be eligible for federal Pandemic Unemployment Assistance (PUA). Further information on PUA, including how to apply, is set forth below.

DECISION:

The March 8, 2021 (reference 01) unemployment insurance decision that denied benefits as of March 22, 2020 based on a finding claimant was unable to perform work due to illness is **AFFIRMED**.



Andrew B. Duffelmeyer
Administrative Law Judge
Unemployment Insurance Appeals Bureau
1000 East Grand Avenue
Des Moines, Iowa 50319-0209
Fax (515) 478-3528

June 8, 2021
Decision Dated and Mailed

abd/kmj

Note to Claimant:

If you disagree with this decision, you may file an appeal with the Employment Appeal Board by following the instructions on the first page of this decision. If this decision denies benefits, you may be responsible for paying back benefits already received.

Individuals who are disqualified from or are otherwise ineligible for **regular** unemployment insurance benefits but who are unemployed for reasons related to COVID-19 may qualify for Pandemic Unemployment Assistance (PUA). **You will need to apply for PUA to determine your eligibility.** Additional information on how to apply for PUA can be found at <https://www.iowaworkforcedevelopment.gov/pua-information>.