

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**JAMIE TROSIN**  
Claimant

**POLARIS INDUSTRIES INC**  
Employer

**APPEAL 22A-UI-04628-JD-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 01/23/22  
Claimant: Appellant (2)**

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Iowa Code § 96.4(3) – Able & Available

**STATEMENT OF THE CASE:**

On February 14, 2022, the claimant filed an appeal from the February 9, 2022, (reference 01) unemployment insurance decision that denied benefits based on a determination that the claimant was on an approved leave of absence and not able to or available for work. The parties were properly notified about the hearing. A telephone hearing was held on March 24, 2022. Claimant, Jamie Trosin, participated and testified. Employer participated through Brian McFarlin, Human Resources Generalist. The administrative law judge took official notice of the administrative record.

**ISSUE:**

Is the claimant able 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 March 28, 2020. Claimant last worked as a full-time assembler. Claimant was laid off from this employer for the one-week period ending January 29, 2022, due to the employer's Covid-19 protocol. The claimant's daughter was diagnosed with Covid-19 during this time period. Per the employer's policy the claimant was required to remain off work until she had taken a PCL Covid test analyze by a laboratory. The employer did not accept any Covid-19 results from a rapid Covid-19 test.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes that the claimant is able to work and available for work for the period in question.

Iowa Code § 96.4(3) provides:

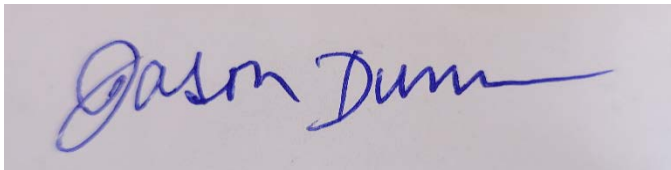
An unemployed individual shall be eligible to receive benefits with respect to any week only if the department finds that:

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".

But for the employer's requirement that any employees who had been exposed to Covid-19 or were experiencing symptoms they were required to test negative for Covid-19 using a PCR testing method verified by a laboratory. The claimant was able to and available for work and no disqualification is imposed for this time period as long as the claimant is otherwise eligible.

**DECISION:**

The February 9, 2022, (reference 01) unemployment insurance decision is reversed. The claimant is able to work and available for work effective January 23, 2022. Benefits are allowed.



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Administrative Law Judge  
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April 4, 2022  
Decision Dated and Mailed

jd/scn