

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**JAIME R GRAY**  
Claimant

**GENESIS HEALTH SYSTEM**  
Employer

**APPEAL 21A-UI-08838-S2-T**  
**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 01/24/21**  
**Claimant: Appellant (4)**

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

**STATEMENT OF THE CASE:**

On March 29, 2021, the claimant filed an appeal from the March 23, 2021, (reference 01) unemployment insurance decision that denied benefits. The parties were properly notified about the hearing. A telephone hearing was held on June 11, 2021. Claimant Jaime R. Gray participated. Employer Genesis Health System participated through supervisor Angela Rieck and HR Coordinator LeAnn Ferguson. Claimant's Exhibit A was received.

**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 began working for employer on November 30, 2015. Claimant works for employer as a full-time patient care technician. On January 26, 2021, she tested positive for COVID-19. Under the employer's policy, she was not allowed to work for ten days. The claimant returned to work on February 4, 2021.

Claimant filed her initial claim for benefits effective January 24, 2021. She filed weekly claims for the five-week period ending February 27, 2021.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes that the claimant was considered able to and available for work from January 24, 2021 through February 6, 2021. Benefits are allowed during this period. Claimant is not eligible for benefits for the three weeks ending February 27, 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 Code section 96.19(38)c provides:

Definitions.

38. Total and partial unemployment

a. An individual shall be deemed "totally unemployed" in any week with respect to which no wages are payable to the individual and during which the individual performs no services.

b. An individual shall be deemed partially unemployed in any week in which either of the following apply:

(1) While employed at the individual's then regular job, the individual works less than the regular full-time week and in which the individual earns less than the individual's weekly benefit amount plus fifteen dollars.

(2) The individual, having been separated from the individual's regular job, earns at odd jobs less than the individual's weekly benefit amount plus fifteen dollars.

c. An individual shall be deemed temporarily unemployed if for a period, verified by the department, not to exceed four consecutive weeks, the individual is unemployed due to a plant shutdown, vacation, inventory, lack of work or emergency from the individual's regular job or trade in which the individual worked full-time and will again work full-time, if the individual's employment, although temporarily suspended, has not been terminated.

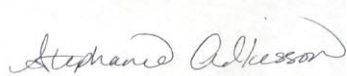
Between January 24, 2021 and February 6, 2021, claimant was temporarily unemployed due to a public health emergency. Employer did not have work available to her under its policy. Therefore, claimant is considered able to and available for work during that time. Benefits are allowed, provided she is otherwise eligible, for the two-week period ending February 6, 2021.

Claimant returned to work on February 4, 2021, and worked her regular shifts and earned her regular wages. She was therefore not totally, temporarily, or partially unemployed. Benefits are denied for the three-week period ending February 27, 2021.

**DECISION:**

The March 23, 2021, (reference 01) unemployment insurance decision is modified in favor of the appellant. Claimant was temporarily unemployed and considered able to work and available for work for the two-week period ending February 6, 2021.

Claimant was not totally, temporarily, or partially unemployed between February 7, 2021 and February 27, 2021, and benefits are denied for this period for the three weeks ending February 27, 2021.



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Stephanie Adkisson  
Administrative Law Judge  
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June 25, 2021  
Decision Dated and Mailed

sa/lj