

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

DANIEL C TROSIN
Claimant

POLARIS INDUSTRIES INC
Employer

APPEAL 21A-UI-14158-DZ-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 03/28/21
Claimant: Appellant (1)

Iowa Code § 96.4(3) – Able to and Available for Work
Iowa Admin. Code r. 871-24.23(10) – Leave of Absence

STATEMENT OF THE CASE:

Daniel C Trosin, the claimant/appellant, filed an appeal from the June 11, 2021, (reference 01) unemployment insurance decision that denied benefits as March 28, 2021. The parties were properly notified about the hearing. A telephone hearing was held on August 16, 2021. Mr. Trosin participated and testified. The employer participated through Krystol Carlson, human resources generalist.

ISSUE:

Is Mr. Trosin able to and available for work?
Is Mr. Trosin on a leave of absence?

FINDINGS OF FACT:

Having reviewed the evidence in the record, the administrative law judge finds: Mr. Trosin began working for the employer on October 10, 2002. He works as full-time touch-up painter.

On, or about, Saturday, March 13, 2021, Mr. Trosin was exposed to someone who tested positive for COVID-19. The employer's policy required employees who were exposed to someone who tested positive for COVID-19 to self-quarantine for 14 days. Mr. Trosin self-quarantined from March 13 through March 26. The employer paid Mr. Trosin from Monday, March 15 through Friday, March 26.

On, or about, March 26, Mr. Trosin tested positive for COVID-19. The employer's policy required employees who tested positive for COVID-19 to self-quarantine for 14 days. Mr. Trosin self-quarantined from March 26 through April 8. The employer did not pay him during this time period.

Mr. Trosin filed his claim effective March 28, 2021. He returned to work on Friday, April 9.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes Mr. Trosin is not able to and available for work from March 28, 2021, the effective date of her claim, through April 8, 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(1) and (10) provide:

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.

(10) The claimant requested and was granted a leave of absence, such period is deemed to be a period of voluntary unemployment and shall be considered ineligible for benefits for such period.

In this case, Mr. Trosin was ill with COVID-19 from March 26, 2021 through April 8, 2021. Mr. Trosin has not established that he is able to and available for work during this time period, even under the United States Department of Labor's guidance to flexibly interpret this requirement. See Unemployment Insurance Program Letter No. 10-20. Therefore, Mr. Trosin is not eligible for regular, state-funded unemployment insurance benefits from March 28, 2021, the effective date of his claim, through April 8, 2021.

DECISION:

The June 11, 2021, (reference 01) unemployment insurance decision is affirmed. Mr. Trosin is not able to and available for work from March 28, 2021 through April 8, 2021. Regular, state-funded unemployment insurance benefits are denied during these weeks.



Daniel Zeno
Administrative Law Judge
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August 19, 2021
Decision Dated and Mailed

dz/kmj