

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

JAYDON D YEOMAN
Claimant

GOOD SAMARITAN SOCIETY INC
Employer

APPEAL 21A-UI-04791-S2-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 11/22/20
Claimant: Appellant (4R)

Iowa Code § 96.4(3) – Able to and Available for Work
Iowa Admin. Code r. 871-24.23(10) – Able & Available – Availability Disqualifications

STATEMENT OF THE CASE:

On February 5, 2020, Jaydon D. Yeoman (claimant) filed an appeal from the February 3, 2020, reference 01, unemployment insurance decision that denied benefits based upon the determination he was not able to and available for work. After due notice was issued, a telephone hearing was held on May 17, 2021. The claimant participated personally. Good Samaritan Society, Inc. (employer) participated through employee relations specialist Luann Brewington. No exhibits were admitted into the record.

ISSUE:

Was the claimant able to and available for work effective November 22, 2020?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant began working for the employer as a full-time cook on November 24, 2020. On November 24, 2020, claimant's fiancée tested positive for COVID-19. Under the employer's policy, he was not allowed to work for 14 days. The claimant wanted to work during this time and he returned to work on December 9, 2020, following the quarantine.

The claimant separated from employment on February 12, 2021. If he reactivates his claim for benefits, the issue of whether the separation qualifies him for benefits will need to be addressed.

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 November 22, 2020 through December 5, 2020. Benefits are allowed.

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 ... 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

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.

Iowa Admin. Code r. 871-24.23(10) provides:

Availability disqualifications. The following are reasons for a claimant being disqualified for being unavailable for work.

(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.

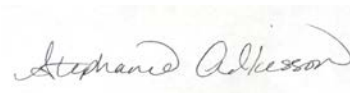
An individual claiming benefits has the burden to prove that he is be able to work, available for work, and earnestly and actively seeking work. Iowa Admin. Code r. 871-24.22. The claimant's unrefuted testimony is that he was not ill or under the care of a doctor and he did not request a leave of absence. Therefore, the claimant was temporarily unemployed for fewer than four weeks because the employer laid him off due to a public emergency. The claimant is considered able to and available for work during this time. Accordingly, benefits are allowed from November 22, 2020, through December 5, 2020.

DECISION:

The February 3, 2020, reference 01, unemployment insurance decision is modified in favor of the appellant. The claimant is able to work and available for work from November 22, 2020, through December 5, 2020. Benefits are allowed, provided he is otherwise eligible.

REMAND:

If the claimant reactivates his claim for benefits, the issue of whether the separation from employment on February 21, 2021, qualifies him for benefits is remanded to the Benefits Bureau for an investigation and determination.



Stephanie Adkisson
Administrative Law Judge
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May 24, 2021
Decision Dated and Mailed

sa/scn