

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

ZACHERIAS A HELM
Claimant

MEDIACOM COMMUNICATIONS
Employer

APPEAL NO. 21A-UI-08445-B2-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 01/24/21
Claimant: Appellant (1)

Iowa Code § 96.4-3 – Able and Available

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated March 24, 2021 reference 01, which held claimant not able and available for work. After due notice, a hearing was scheduled for and held on May 28, 2021. Claimant participated personally. Employer failed to respond to the hearing notice and did not participate. Claimant's Exhibits A-C were admitted into evidence.

ISSUES:

Whether claimant is able and available for work?

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: At all times relevant claimant has been a full time employee with Mediacom. He works as a broadband specialist 4. Claimant contracted Covid-19 in January of 2021. For the first two weeks when he was positive, claimant was paid for time off by employer. The last week he was off work while he was positive was the week ending January 30, 2021. During that week, claimant was not able and available for work because of his ongoing positive Covid-19 test.

Claimant's wife was positive for Covid-19 in March 2021. Claimant quarantined during the week ending March 27, 2021 as he was still at risk for spreading Covid-19 to coworkers.

REASONING AND CONCLUSIONS OF LAW:

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. 871-24.22(1)a provides:

Benefits eligibility conditions. For an individual to be eligible to receive benefits the department must find that the individual is able to work, available for work, and earnestly and actively seeking work. The individual bears the burden of establishing that the individual is able to work, available for work, and earnestly and actively seeking work.

(1) Able to work. An individual must be physically and mentally able to work in some gainful employment, not necessarily in the individual's customary occupation, but which is engaged in by others as a means of livelihood.

a. Illness, injury or pregnancy. Each case is decided upon an individual basis, recognizing that various work opportunities present different physical requirements. A statement from a medical practitioner is considered prima facie evidence of the physical ability of the individual to perform the work required. A pregnant individual must meet the same criteria for determining ableness as do all other individuals.

Iowa Admin. Code r. 871-24.23(35) provides:

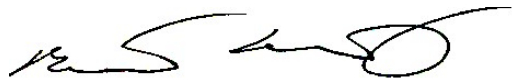
Availability disqualifications. The following are reasons for a claimant being disqualified for being unavailable for work.

(35) Where the claimant is not able to work and is under the care of a medical practitioner and has not been released as being able to work.

The claimant has not established the ability to work for the weeks ending January 30 and March 27, 2021. Benefits are denied for those periods. Benefits shall be allowed effective March 28, 2021.

DECISION:

The decision of the representative dated March 24, 2021, reference 01 is affirmed. Claimant is not eligible to receive unemployment insurance benefits, effective the week ending January 30, 2021 through the week ending March 27, 2021. Claimant is able and available for work after these periods and is eligible for benefits, provided claimant meets all other eligibility requirements.



Blair A. Bennett
Administrative Law Judge

June 11, 2021
Decision Dated and Mailed

bab/kmj

NOTE TO CLAIMANT: If you disagree with this decision you may file an appeal to the Employment Appeal Board by following the instructions on the first page of this decision.

Individuals who do not qualify for regular unemployment insurance benefits, but who are unemployed or continue to be 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 under the program.** Additional information on how to apply for PUA can be found at <https://www.iowaworkforcedevelopment.gov/pua-information>. If this decision becomes final or if you are not eligible for PUA, you may have an overpayment of benefits.

ATTENTION: On May 11, 2021, Governor Reynolds announced that Iowa will end its participation in federal pandemic-related unemployment benefit programs effective June 12, 2021. The last payable week for PUA in Iowa will be the week ending June 12, 2021. Additional information can be found in the press release at <https://www.iowaworkforcedevelopment.gov/iowa-end-participation-federal-unemployment-benefit-programs-citing-strong-labor-market-and>.