

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**GREG D MORROW**  
Claimant

**WHIRLPOOL CORPORATION**  
Employer

**APPEAL 20A-UI-12009-CL-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 07/12/20**  
**Claimant: Appellant (1)**

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

**STATEMENT OF THE CASE:**

On September 29, 2020, the claimant filed an appeal from the September 24, 2020, (reference 01) unemployment insurance decision that denied regular unemployment insurance benefits based on claimant's availability for work. The parties were properly notified about the hearing. A telephone hearing was held on November 20, 2020. Claimant participated. Employer did not register for the hearing and did not participate.

**ISSUES:**

Is the claimant able to and available for work?  
Is the claimant on a voluntary leave of absence?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant has worked for employer since September 13, 2018. Most recently, claimant works for employer as a full-time assembler.

Claimant's last day of work was April 17, 2020. Claimant had symptoms of COVID 19 and was tested on April 20, 2020. On April 24, 2020, claimant learned the test results were positive. As of the date of the hearing, claimant is still exhibiting symptoms of COVID 19. Claimant still has a fever, difficulty breathing, and pulmonary issues. Claimant cannot return to work because he cannot pass the safety check at the door.

Whirlpool Corporation is holding claimant's position as of the date of the hearing.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes that the claimant is not able to work and available for work effective July 12, 2020.

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".

Here, claimant is ill and unable to work effective July 12, 2020. Even though claimant wants to work, he cannot do so because he cannot pass employer's safety check due to continuing symptoms of COVID 19. While claimant is not eligible for regular unemployment insurance benefits, he remains eligible for the Pandemic Unemployment Assistance benefits that he is currently receiving.

**DECISION:**

The September 24, 2020, (reference 01) unemployment insurance decision is affirmed. The claimant is not able to work and available for work effective July 12, 2020. Regular unemployment insurance benefits funded by the state of Iowa are denied until such time claimant is able to and available for work. Claimant remains eligible for PUA benefits.



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Christine A. Louis  
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December 2, 2020  
Decision Dated and Mailed

cal/scn