

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

JESSICA L MORTVEDT
Claimant

ABCM CORPORATION
Employer

APPEAL 21A-UI-07786-AD-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 04/26/20
Claimant: Appellant (5)

Iowa Code section 96.4(3) – Eligibility – Able and Available for Work

STATEMENT OF THE CASE:

On March 17, 2021, Jessica Mortvedt (claimant/appellant) filed an appeal from the March 8, 2021 (reference 01) unemployment insurance decision that denied benefits as of April 26, 2020 based on a finding claimant was not able to perform work due to illness.

A telephone hearing was held on May 26, 2021. The parties were properly notified of the hearing. The claimant participated personally. ABCM Corporation (employer/respondent) did not register a number for the hearing or participate.

Official notice was taken of the administrative record.

ISSUES:

Is the claimant on an approved leave of absence?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds:

Claimant began working for employer in July 2017. Claimant is still employed by employer as a part-time dietary aide. Claimant's doctor recommend she not perform work from approximately April 15, 2020 until March 18, 2021 due to the pandemic. Claimant heeded her doctor's advice and stayed home and self-isolated during that period. Claimant filed a claim for benefits each week from the benefit week ending May 2, 2020 through the benefit week ending March 13, 2021.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the March 8, 2021 (reference 01) unemployment insurance decision that denied benefits as of April 26, 2020 based on a finding claimant was not able to perform work due to illness is MODIFIED with no change in effect.

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".

Claimant's doctor recommend she not perform work from approximately April 15, 2020 until March 18, 2021 due to the pandemic. Claimant heeded her doctor's advice and stayed home and self-isolated during that period. In doing so, claimant made herself unavailable for work during this time. Claimant is therefore not eligible for benefits during this period. The decision is modified solely to reflect that claimant was not unable to work due to illness but was unavailable for work due to the decision to self-isolate.

While this decision denies regular, state benefits, the evidence indicates claimant may be eligible for federal Pandemic Unemployment Assistance (PUA). Further information on PUA, including how to apply, is set forth below.

DECISION:

The March 8, 2021 (reference 01) unemployment insurance decision that denied benefits as of April 26, 2020 based on a finding claimant was not able to perform work due to illness is MODIFIED with no change in effect. Claimant is ineligible for benefits during the weeks filed.



Andrew B. Duffelmeyer
Administrative Law Judge
Unemployment Insurance Appeals Bureau
1000 East Grand Avenue
Des Moines, Iowa 50319-0209
Fax (515) 478-3528

June 7, 2021
Decision Dated and Mailed

abd/scn

Note to Claimant:

If you disagree with this decision, you may file an appeal with the Employment Appeal Board by following the instructions on the first page of this decision. If this decision denies benefits, you may be responsible for paying back benefits already received.

Individuals who are disqualified from or are otherwise ineligible for **regular** unemployment insurance benefits but who are 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.** Additional information on how to apply for PUA can be found at <https://www.iowaworkforcedevelopment.gov/pua-information>.