

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

CHARLIE G DAVIS

Claimant

J B HUNT TRANSPORT INC

Employer

APPEAL 21A-UI-18205-AW-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 04/25/21

Claimant: Appellant (2)

Iowa Code § 96.4(3) – Ability to and Availability for Work

Iowa Admin. Code r. 871-24.22 – Able & Available – Benefits Eligibility Conditions

STATEMENT OF THE CASE:

Claimant filed an appeal from the August 10, 2021 (reference 01) unemployment insurance decision that denied benefits. The parties were properly notified of the hearing. A telephone hearing was held on October 12, 2021. Claimant participated. Employer did not participate. No exhibits were admitted. Official notice was taken of the administrative record.

ISSUES:

Whether claimant is able to and available for work.

Whether claimant is on an approved leave of absence.

FINDINGS OF FACT:

As claimant was the only witness, the administrative law judge makes the following findings of fact based solely upon claimant's testimony: Claimant is employed as a full-time Truck Driver with J B Hunt Transport. Claimant's job requires a Commercial Driver's License (CDL). The Department of Transportation requires CDL holders to maintain a valid medical certificate, which must be renewed every two years. Employer schedules claimant's physical appointment to renew the medical certificate.

For claimant's most recent renewal, employer scheduled claimant's appointment for four days prior to the expiration date. Claimant attended the physical. The physician would not renew the medical certificate until claimant completed a sleep study, received a diagnosis and completed 30 days of treatment.

Employer did not have any other work for claimant to perform while he waited for his medical certificate to be renewed. Claimant did not request this time off of work and had no barriers to employment.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes claimant was temporarily laid off. Benefits are allowed provided claimant is otherwise eligible.

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 96.1A, subsection 37, paragraph "b", subparagraph (1), or temporarily unemployed as defined in section 96.1A, subsection 37, 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 96.1A(37)c provides:

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.

It is usually an employee's responsibility to ensure that he has a valid medical certificate and CDL. However, in this case, employer accepted the responsibility of scheduling claimant's physical exam for the renewal of his medical certificate. Employer scheduled claimant's physical for four days prior to the expiration date. This did not leave sufficient time for claimant to complete testing, receive a diagnosis and begin necessary treatment. Employer was responsible for claimant's inability to perform his regular job duties as a truck driver. Employer offered claimant no other work. Claimant was not working through no fault of his own. Therefore, claimant was temporarily laid off and eligible for unemployment insurance benefits. Benefits are allowed provided claimant is otherwise eligible.

DECISION:

The August 10, 2021 (reference 01) unemployment insurance decision is reversed. Claimant was temporarily laid off. Benefits are allowed provided claimant is otherwise eligible.



Adrienne C. Williamson
Administrative Law Judge
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October 26, 2021
Decision Dated and Mailed

acw/scn