

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

JEREDINE T FULLEY
Claimant

WESLEYLIFE
Employer

APPEAL 20A-UI-12799-ED-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

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

Iowa Code § 96.4(3) – Ability to and Availability for Work
Iowa Code § 96.19(38)b – Definitions – Total, partial unemployment
Iowa Admin. Code r. 871-24 – Able & Available - Benefits Eligibility Conditions

STATEMENT OF THE CASE:

The claimant filed an appeal from the October 6, 2020, (reference 01) unemployment insurance decision that denied benefits based upon claimant not being able to and available for work, effective July 12, 2020. After due notice was issued, a telephone conference hearing was scheduled to be held on December 8, 2020. Claimant, Jeredine Fulley, participated. The employer participated through hearing representative Karel Clark and Director of People and Culture Jaymie Banks Westfield.

ISSUE:

Was the claimant able to work and available for work the week ending July 12, 2020?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant, Jeredine Fulley was employed as a full time C.N.A. from June 19, 2018 until the present time. Claimant's immediate supervisor was the Director of Nursing, Tracy. On July 15, 2020, claimant tested positive for Covid-19. Claimant was directed by her medical provider to quarantine for ten days. Before returning to work, Claimant tested positive again on July 27, 2020. Claimant was directed by her medical provider to continue to quarantine until August 18, 2020 when she returned to work.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes that the claimant was 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".

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.

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.

In this case, claimant tested positive for Covid-19 on July 15, 2020 and was directed by her medical provider to quarantine for ten days. Before returning to work, Claimant tested positive again on July 27, 2020. Claimant was directed to quarantine until August 17, 2020. Claimant returned to work on August 18, 2020. Because claimant's medical provider directed her to quarantine from July 16, 2020 until August 17, 2020, claimant was not considered able and available to work under Iowa law for that period. Accordingly, claimant was not otherwise able to and available for work under state law until August 18, 2020.

An individual claiming benefits has the burden of proof that she is be able to work, available for work, and earnestly and actively seeking work. Iowa Admin. Code r. 871-24.22.

Claimant was directed to quarantine after testing positive for Covid-19. Claimant was not released back to work until August 18, 2020. Accordingly, she is not eligible for regular state unemployment insurance benefits for that period.

Note to Claimant: If this decision determines you are not eligible for regular unemployment insurance benefits and 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 currently 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.

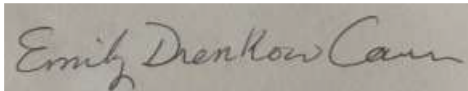
DECISION:

Regular Unemployment Insurance Benefits Under State Law

The October 6, 2020, reference 01, unemployment insurance decision is affirmed. The claimant is disqualified from being able and available due to her medical diagnosis and period of quarantine. Benefits are denied.

Pandemic Unemployment Assistance (PUA) Under the Federal CARES Act

Even though the claimant is not eligible for regular unemployment insurance benefits under state law, he may be eligible for federally funded unemployment insurance benefits under the CARES Act. Section 2102 of the CARES Act creates a new temporary federal program called Pandemic Unemployment Assistance (PUA) that, in general, provides up to 39 weeks of unemployment benefits. An individual receiving PUA benefits may also receive the \$600.00 weekly benefit amount in FPUC. This decision does not address whether the claimant is eligible for PUA. For a decision on such eligibility, the claimant must apply for PUA, as noted in the instructions provided in the "Note to Claimant".



Emily Drenkow Carr
Administrative Law Judge
Unemployment Insurance Appeals Bureau
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Des Moines, Iowa 50319-0209
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December 17, 2020
Decision Dated and Mailed

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