

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

KHAING M LIN
Claimant

SWIFT PORK COMPANY
Employer

APPEAL 20A-UI-06605-DB-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 12/08/19
Claimant: Appellant (2)

Iowa Code § 96.4(3) – Able to and Available for Work

STATEMENT OF THE CASE:

The claimant/appellant filed an appeal from the June 12, 2020 (reference 04) unemployment insurance decision that denied benefits finding that the claimant was not able to and available for work effective April 19, 2020. After due notice was issued, a telephone hearing was held on July 27, 2020. The claimant participated personally. Language Link provided Burmese language interpretation services to the claimant. The employer, Swift Pork Company, did not participate. The administrative law judge took administrative notice of the claimant's unemployment insurance benefits records.

ISSUE:

Was the claimant able to work and available for work effective April 19, 2020?

FINDINGS OF FACT:

Having heard the testimony and having examined the evidence in the record, the administrative law judge finds: Claimant works full-time as a butcher for this employer since February 24, 2020. He was ill in March of 2020 and tested negative for COVID 19. After he fully recovered from his illness a week later, he attempted to come back to work; however, the employer told him that he could not do so. The employer allowed him to return to work on June 15, 2020. Claimant was off of work from April 19, 2020 through June 15, 2020; however, he was able to and available for work but was not allowed to by the employer.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant has established that he was able to and available for work effective April 19, 2020 through June 15, 2020.

Iowa Code § 96.4(3) provides:

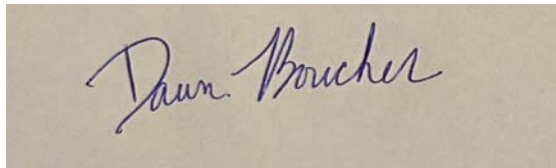
An unemployed individual shall be eligible to receive benefits with respect to any week only if the department finds that:

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 § 96.19, subsection 38, paragraph "b", subparagraph 1, or temporarily unemployed as defined in § 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 § 96.5, subsection 3 are waived if the individual is not disqualified for benefits under § 96.5, subsection 1, paragraph "h".

Claimant established that he was able to and available for work effective April 19, 2020 through June 15, 2020. As such, benefits are allowed for that period of time, **provided he is otherwise eligible.**

DECISION:

The June 12, 2020 (reference 04) decision is reversed. The claimant has established he was able to and available for work from April 19, 2020 through June 15, 2020. Benefits are allowed for that period of time, **provided the claimant is otherwise eligible.**



Dawn Boucher
Administrative Law Judge

July 31, 2020
Decision Dated and Mailed

db/scn