

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

68-0157 (9-06) - 3091078 - EI

TAMMIE M SNYDER
Claimant

APPEAL NO. 19A-UI-08702-B2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

AMERICAN ORDNANCE LLC
Employer

OC: 12/23/18
Claimant: Appellant (2R)

Iowa Code § 96.4-3 – Able and Available
Iowa Code § 96.7(2)A(2) – Partial Benefits

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated October 31, 2019, reference 02, which held claimant not able and available for work. After due notice, a hearing was scheduled for and held on November 27, 2019. Claimant participated personally. Employer participated by Scott Wilson.

ISSUES:

Whether claimant is eligible to receive partial benefits?

Whether claimant is able and available for work?

FINDINGS OF FACT:

The claimant currently works for American Ordnance, a base period employer, under the same terms and conditions as contemplated in the original contract of hire. For the week of September 29 - October 5, 2019 claimant did not work her normal 40-hour week as employer put claimant on a temporary, partial layoff while employer waited to receive needed parts. Claimant worked seven hours that week and was laid off for the remainder of her scheduled hours. The claimant earns \$22.23 / hour, so claimant earned \$155.61 for the week in question.

Throughout this time, claimant was able and available for work.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant is eligible to receive partial unemployment benefits for the week of September 29 - October 5, 2019.

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 Code section 96.19(38) provides:

"Total and partial unemployment".

a. An individual shall be deemed "totally unemployed" in any week with respect to which no wages are payable to the individual and during which the individual performs no services.

b. An individual shall be deemed partially unemployed in any week in which either of the following apply:

(1) While employed at the individual's then regular job, the individual works less than the regular full-time week and in which the individual earns less than the individual's weekly benefit amount plus fifteen dollars.

(2) The individual, having been separated from the individual's regular job, earns at odd jobs less than the individual's weekly benefit amount plus fifteen dollars.

c. 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.

This matter is remanded to the benefits bureau to determine claimant's benefit amount. In calculating the partial unemployment benefit amount, claimant has earned \$155.61 for the week of September 29 - October 5, 2019. Benefits are allowed.

DECISION:

The October 31, 2019, reference 02, decision is reversed and remanded to the benefits bureau to determine the exact amount of partial unemployment benefits claimant is allowed having earned \$155.61 for the week of September 29 - October 5, 2019.

Blair A. Bennett
Administrative Law Judge

Decision Dated and Mailed

bab/scn