

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

CHRISTOPHER D COURBAT
Claimant

**ALUMINUM CO OF AMERICA
DAVENPORT WORKS**
Employer

APPEAL NO. 20A-UI-08026-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 04/19/20
Claimant: Appellant (2)

Iowa Code Section 96.4(3) – Able & Available

STATEMENT OF THE CASE:

Christopher Courbat filed a timely appeal from the July 2, 2020, reference 01, decision that denied benefits effective April 19, 2020, based on the deputy's conclusion that Mr. Courbat requested and was approved for a leave of absence, was voluntarily unemployed, and was unavailable for work. After due notice was issued, a hearing was held on September 1, 2020. Mr. Courbat participated and presented additional testimony through Jon Dillon and Jason Mucciarone. Mr. Mucciarone, Human Resources Business Partner, represented Arconic Davenport, L.L.C. The named employed in interest, Aluminum Company of America, did not provide a telephone number for the hearing and did not participate. Exhibits A and B were received into evidence. The administrative law judge took official notice of the following Agency administrative records: KCCO, DBRO, KPYX and WAGE-A.

ISSUES:

Whether the claimant was able to work and available for work during the three-week period of April 19, 2020 through May 9, 2020.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant is employed as a full-time hourly production worker in the rolling department. The claimant's hourly wage is approximately \$27.00. The claimant's shift started at 6:00 p.m. and ends at 6:00 a.m. The claimant works a 2-2-3 schedule, meaning that he works two days, is then off two days, then works three days and the cycle continues. The claimant's current employer Arconic Davenport, L.L.C., temporarily laid off the claimant effective April 20, 2020 and recalled the claimant to the employment on May 11, 2020. The temporary layoff off was attributable to a COVID-19 slowing in demand for the employer's product. During the temporary layoff, the claimant remained physically and mentally able to work and was available to report for work. However, the employer had not work for the claimant during the three-week layoff.

The claimant established an original claim for benefits that was effective April 19, 2020. The claimant made weekly claims for the three weeks between April 19, 2020 and May 9, 2020, but then discontinued his claim in connection with his recall to the employment.

The named employer in interest is Aluminum Company of America (Alcoa). Quarterly wages had been reported for the claimant under Alcoa's employer account number through the fourth quarter of 2019. Since the first quarter of 2020 quarterly wages have been reported under the employer account number of Arconic Davenport, L.L.C. Arconic is a derivative of another Arconic incarnation, which was in turn a derivative of Alcoa.

REASONING AND CONCLUSIONS OF LAW:

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. 871-24.22(2) provides, in relevant part, as follows:

Benefits eligibility conditions. For an individual to be eligible to receive benefits the department must find that the individual is able to work, available for work, and earnestly and actively seeking work. The individual bears the burden of establishing that the individual is able to work, available for work, and earnestly and actively seeking work.

(2) Available for work. The availability requirement is satisfied when an individual is willing, able, and ready to accept suitable work which the individual does not have good cause to refuse, that is, the individual is genuinely attached to the labor market.

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 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.

In response to the economic impact of the COVID-19 pandemic, Iowa Workforce Development published on its website Unemployment Insurance Guidance for Employers and Workers. As part of that publication, the Agency announced that claims filed as a direct or indirect result of Covid-19 would not be charged to employers. See <https://www.iowaworkforcedevelopment.gov/COVID-19#ife>, Information for Employers.

The evidence in the record establishes that the claimant was able to work, available for work, but temporarily laid off during the three weeks between April 19, 2020 and May 9, 2020. At no time during those three weeks was the claimant on a leave of absence that he requested and that the employer approved. The claimant is eligible for benefits for the three weeks between April 19, 2020 and May 9, 2020, provided he meets all other eligibility requirements. Based on this the Agency pronouncement that employers would not be charged for claims directly or indirectly resulting from COVID-19, neither the employer account of Alcoa or the employer account of Arconic Davenport, L.L.C will be charged for the benefits paid the claimant for the three weeks between April 19, 2020 and May 9, 2020.

DECISION:

The July 2, 2020, reference 01, decision is reversed. The claimant was able to work, available for work, but temporarily laid off during the three weeks between April 19, 2020 and May 9, 2020. The claimant is eligible for benefits for the three weeks between April 19, 2020 and May 9, 2020, provided he meets all other eligibility requirements. Neither the employer account of Alcoa or the employer account of Arconic Davenport, L.L.C will be charged for the benefits paid the claimant for the three weeks between April 19, 2020 and May 9, 2020.



James E. Timberland
Administrative Law Judge

September 3, 2020
Decision Dated and Mailed

jet/scn