

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**BARBARA J SHIFFLETT**  
Claimant

**WHIRLPOOL CORPORATION**  
Employer

**APPEAL 21A-UI-05137-AD-T**  
**ADMINISTRATIVE LAW JUDGE**  
**DECISION**

**OC: 12/22/19**  
**Claimant: Appellant (2)**

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Iowa Code § 96.4(3) – Eligibility – A&A – Able to, available for, work search  
Iowa Code § 96.19(38) – Total, partial unemployment

**STATEMENT OF THE CASE:**

On February 8, 2021, Barbara Shifflett (claimant/appellant) filed a timely appeal from the Iowa Workforce Development decision dated February 4, 2021 (reference 01) that denied benefits as of December 13, 2020 based on a finding claimant requested and was granted a leave of absence.

A telephone hearing was held on April 20, 2021. The parties were properly notified of the hearing. Claimant participated personally. Whirlpool Corporation (employer/respondent) did not register a number for the hearing and did not participate. Official notice was taken of the administrative record.

**ISSUE(S):**

- I. Is the claimant able to and available for work?
- II. Is the claimant totally, partially, or temporarily unemployed?
- III. Is the claimant still employed at the same hours and wages? Is the employer's account subject to charge?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds:

Claimant began working for employer on March 25, 1996. Claimant is still employed by employer full-time as a team leader. Employer held claimant out of work from December 13 until December 23, 2020 as a precaution due to potential exposure to COVID-19. Claimant filed a claim for benefits in the week ending December 19, 2020. Claimant was able and available for work during this period. Claimant has been employed in her usual position since that time except for brief shutdowns in March and April 2020. A decision was issued on April 2, 2021 finding claimant eligible for benefits during those periods.

## REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the decision dated February 4, 2021 (reference 01) that denied benefits as of December 13, 2020 based on a finding claimant requested and was granted a leave of absence is REVERSED. Claimant is eligible for benefits in the week ending December 19, 2020, provided she otherwise meets all eligibility requirements.

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.

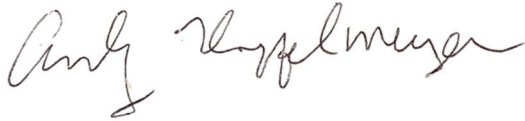
(2) The individual, having been separated from the individual's regular job, earns at odd jobs less than the individual's weekly benefit amount plus fifteen dollars.

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.

Claimant did not request a leave of absence. Employer held claimant out of work from December 13 until December 23, 2020 as a precaution due to potential exposure to COVID-19. Claimant filed a claim for benefits in the week ending December 19, 2020. Claimant was able and available for work during this period. Claimant is therefore eligible for benefits for the week ending December 19, 2020, provided she is otherwise eligible. Employer will not be charged for benefits paid, as the period of unemployment was pandemic-related and the Department has determined not to charge employers for such periods of unemployment.

**DECISION:**

The decision dated February 4, 2021 (reference 01) that denied benefits as of December 13, 2020 based on a finding claimant requested and was granted a leave of absence is REVERSED. Claimant is eligible for benefits in the week ending December 19, 2020, provided she otherwise meets all eligibility requirements.



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Andrew B. Duffelmeyer  
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April 23, 2021  
Decision Dated and Mailed

abd/kmj