

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

---

**LEONARD H QUELLAND**  
Claimant

**PRAIRIE MEADOWS RACETRACK &  
CASINO**  
Employer

**APPEAL 20A-UI-10187-CL-T**  
**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 04/12/20**  
**Claimant: Appellant (2)**

---

Iowa Code § 96.4(3) – Ability to and Availability for Work  
Iowa Admin. Code r. 871-24.23(26) – Able & Available – Availability Disqualifications  
Iowa Code § 96.19(38)a & b – Total and Partial Unemployment  
Iowa Code § 96.7(2)a(2) – Same Base Period Employment

**STATEMENT OF THE CASE:**

On July 10, 2020, the claimant filed an appeal from the July 7, 2020, (reference 01) unemployment insurance decision that denied benefits. The parties were properly notified about the hearing. A telephone hearing was held on October 8, 2020. Claimant participated. Employer participated through human resource generalist Pam Anderson. Claimant's Exhibit A was received into the record.

**ISSUES:**

Is the claimant totally, partially, or temporarily unemployed?  
Is the claimant able to and available for work?  
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 has worked for employer since April 4, 2017. Most recently, claimant worked for employer as a part-time camera/television operator.

Claimant's last day of work was October 12, 2019. Claimant was laid off because it was the end of the horseracing season. The horseracing season usually runs from late April until mid-October.

In March 2020, the United States declared a public health emergency due to the COVID 19 pandemic. The horseracing season was delayed because of COVID 19. The horseracing season did not end up starting until June 19, 2020. Employer did not have work available for claimant from April 12, 2020, when he filed the claim until June 16, 2020. Claimant was able to and available for work during that time period. Employer did not pay claimant during that time period.

**REASONING AND CONCLUSIONS OF LAW:**

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 order to receive regular unemployment insurance benefits under Chapter 96 of the Iowa Code, a totally unemployed claimant must establish he or she is able to and available for work. Iowa Code § 96.4(3).

In this case, claimant was totally unemployed and able to and available for work from April 12, 2020, until June 16, 2020. Benefits are allowed during this time period, and Iowa Workforce Development has relieved employers of benefit charged for the second quarter of 2020 where the unemployment was related to COVID 19.

**DECISION:**

The July 7, 2020, (reference 01) unemployment insurance decision is reversed. The claimant was totally unemployed and able to and available for work effective April 12, 2020, until he was offered to return on June 16, 2020. Benefits are allowed during this time period, and Iowa Workforce Development has relieved employers of benefit charged for the second quarter of 2020 where the unemployment was related to COVID 19.



---

Christine A. Louis  
Administrative Law Judge  
Unemployment Insurance Appeals Bureau  
1000 East Grand Avenue  
Des Moines, Iowa 50319-0209  
Fax (515)478-3528

October 12, 2020  
Decision Dated and Mailed

cal/sam