

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

KATHY R THEDE REYNOLDS
Claimant

THE UNIVERSITY OF IOWA
Employer

APPEAL 21A-UI-05027-LJ-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 12/06/20
Claimant: Appellant (1)

Iowa Code § 96.4(3) – Ability to and Availability for Work

STATEMENT OF THE CASE:

On February 9, 2021, the claimant, Kathy R. Thede-Reynolds filed an appeal from the February 1, 2021 (reference 01) unemployment insurance decision that denied benefits based upon a determination that claimant was still employed by the employer at the same hours and wages and was not eligible for benefits. The parties were properly notified of the hearing. A telephonic hearing was held on Friday, April 16, 2021. The claimant, Kathy R. Thede-Reynolds, participated. The employer, The University of Iowa, participated through Jessica Wade, HR Business Analyst. No exhibits were offered or admitted into the record.

ISSUE:

Is claimant able to and available for work effective December 6, 2020?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant has been employed full time, most recently as a manufacturing supervisor, since March 19, 1986.

The employer required all employees of the University of Iowa Hospitals and Clinics to take mandatory furlough time or to give back vacation hours. This was a budget cost-savings measure due to COVID-19. Claimant opted to take the mandatory furlough. She was furloughed the week of November 30, 2020. This furlough lasted one week.

During the week of claimant's furlough, she contacted Iowa Workforce Development and was told that she could not file her weekly claim for benefits until the week was over. Therefore, she waited until Sunday, December 6, 2020, to open her claim for benefits.

Effective December 6, claimant was back to full-time employment with the employer.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes:

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 96.1A, subsection 37, paragraph "b", unnumbered paragraph (1), or temporarily unemployed as defined in section 96.1A, subsection 37, 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. 871-24.23(23) provides:

Availability disqualifications. The following are reasons for a claimant being disqualified for being unavailable for work.

(23) The claimant's availability for other work is unduly limited because such claimant is working to such a degree that removes the claimant from the labor market.

From December 6, 2020, forward, claimant has been working for the employer. Claimant is fully employed and has been working to such a degree that she has been removed from the labor market effective December 6, 2020. Therefore, benefits must be denied, as claimant is not able to and available for work.

DECISION:

The February 1, 2021 (reference 01) unemployment insurance decision is affirmed. Claimant is not available for work and is not eligible for benefits effective December 6, 2020.



Elizabeth A. Johnson
Administrative Law Judge
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April 21, 2021
Decision Dated and Mailed

lj/kmj