

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**ZACHARIAH A GROESCH**  
Claimant

**APPEAL 20A-UI-06317-SC-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**ALUMINUM CO OF AMERICA**  
Employer

**OC: 04/12/20**  
**Claimant: Appellant (4)**

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Iowa Code § 96.19(38) – Total, Partial, and Temporary Unemployment  
Iowa Code § 96.4(3) – Ability to and Availability for Work  
Iowa Admin. Code r. 871-24.22 – Able & Available - Benefits Eligibility Conditions  
Iowa Admin. Code r. 871-24.23(26) – Available – Part-time Same Wages and Hours

**STATEMENT OF THE CASE:**

On June 17, 2020, Zachariah A. Groesch (claimant) filed an appeal from the June 15, 2020 (reference 01), unemployment insurance decision that denied benefits based upon the determination he worked enough hours from April 12 through April 25, 2020 to be considered employed. After due notice was issued, a telephone conference hearing was held on July 21, 2020. The claimant participated personally. The employer did not respond to the hearing notice and did not participate. No exhibits were offered into the record. The administrative law judge took official notice of the claimant's claim history.

**ISSUES:**

Is the claimant totally, partially, and temporarily unemployed for the two week period between April 12 and April 25, 2020?

Was the claimant able to work, available for work, and actively and earnestly seeking work?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant began working for the employer full-time as a Machine Operator beginning on December 10, 2007. He filed a claim for benefits effective April 12, 2020, and his weekly benefit amount is \$500.00. The claimant reported \$662.00 in wages earned during the week ending April 18.

On April 20, the employer laid the claimant off due to a lack of work. The claimant did not work or earn any wages from April 19 through the week ending May 9. He returned to work the week of May 10.

## REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes that the claimant was employed the week ending April 18 and is not eligible for benefits that week. The claimant was temporarily unemployed from April 19 through May 9 and benefits are allowed. The issue of whether the claimant is able to and available for work is moot.

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:

Definitions.

38. 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.

Under Iowa law, an employee can only be total or temporarily unemployed if they do not work and earn any wages during a week in which they claimed benefits. In this case, the claimant worked and earned wages in an amount more than his weekly benefit amount plus fifteen dollars

during the week ending April 18. He was not totally, partially, or temporarily unemployed that week and benefits are denied.

The claimant was temporarily unemployed from April 19 through May 9. He was laid off due to a lack of work for fewer than four weeks. Accordingly, benefits are allowed. As he was temporarily unemployed, the issue of whether he was able to and available for work during that time is moot.

**DECISION:**

The June 15, 2020 (reference 01), unemployment insurance decision is modified in favor of the appellant. The claimant was not totally, partially, or temporarily unemployed during the week ending April 18 and benefits are denied. The claimant was temporarily unemployed from April 19 through May 9 and benefits are allowed.



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Stephanie R. Callahan  
Administrative Law Judge

August 3, 2020  
Decision Dated and Mailed

src/mh

*Note to Claimant:* This decision determines you are not eligible for regular unemployment insurance benefits for the week ending April 18, 2020. If you disagree with this decision, you may file an appeal to the Employment Appeal Board by following the instructions on the first page of this decision. Individuals who do not qualify for regular unemployment insurance benefits, but who are currently unemployed for reasons related to COVID-19 may qualify for Pandemic Unemployment Assistance (PUA). **You will need to apply for PUA to determine your eligibility under the program.** Additional information on how to apply for PUA can be found at <https://www.iowaworkforcedevelopment.gov/pua-information>.