JOAN E JONES
Claimant

WHIRLPOOL CORPORATION
Employer

APPEAL 21A-UI-08620-S2-T

ADMINISTRATIVE LAW JUDGE
DECISION

OC: 12/13/20
Claimant: Appellant (4R)

Iowa Code § 96.4(3) – Able to and Available for Work

STATEMENT OF THE CASE:

On March 24, 2020, Joan E. Jones (claimant) filed an appeal from the March 15, 2021, reference 01, unemployment insurance decision that denied benefits. After due notice was issued, a telephone hearing was held on June 9, 2021. The claimant participated personally. Whirlpool Corporation (employer) did not respond to the hearing notice and did not participate. No exhibits were offered into the record.

ISSUE:

Was the claimant able to and available for work from December 13, 2020?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant works for the employer as a full-time assembler. Employer shut its plant for the two-week period ending March 13, 2021, and the one-week period ending April 10, 2021, due to weather events in other states preventing the plant from operating. There was no work available for claimant. She had no limitations on her ability and availableness for work during these periods.

Employer also closed its doors during the week ending August 15, 2020, due to the derecho. That period predates the December 13, 2020, original claim date.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes that the claimant was temporarily unemployed and considered able to and available for work. Benefits are allowed for the two-week period ending March 13, 2021, and the one-week period ending April 10, 2021.

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 … 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". [Emphasis added.]

Iowa Code section 96.19(38) c provides:

Definitions.

38. Total and partial unemployment

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.
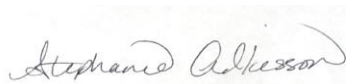
Claimant was temporarily unemployed due to a plant shutdown. Employer did not have work available to her. Claimant had no limitations on her ability to and availableness for work. Therefore, claimant is considered able to and available for work. Benefits are allowed for the two-week period ending March 13, 2021 and the one-week period ending April 10, 2021.

DECISION:

The March 15, 2020, reference 01, unemployment insurance decision is modified in favor of the claimant. Claimant was temporarily unemployed and considered able to work and available for work for the two-week period ending March 13, 2021 and the one-week period ending April 10, 2021. Benefits are allowed.

REMAND:

At the request of the claimant, this matter is remanded to the Benefits Bureau for determination of whether the claimant is eligible to have her claim backdated to the period that includes the August 10, 2020 derecho.

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

___June 22, 2021___
Decision Dated and Mailed

sa/mh