

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

MAGDALENA LOPEZ MENDOZA
Claimant

APPEAL 19A-UI-01091-CL-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

TPI IOWA LLC
Employer

OC: 01/06/19
Claimant: Appellant (1)

Iowa Code § 96.4(3) – Ability to and Availability for Work
Iowa Admin. Code r. 871-24.22(2) – Able & Available - Benefits Eligibility Conditions

STATEMENT OF THE CASE:

The claimant filed an appeal from the February 1, 2019, (reference 01) unemployment insurance decision that denied benefits. The parties were properly notified about the hearing. A telephone hearing was held on February 22, 2019. Claimant participated personally and through interpreter 6878 with CTS Language Link. Employer participated in writing.

ISSUE:

Is the claimant able to work and available for work during the one week ending January 12, 2019?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant worked for employer as a full-time layup employee. Claimant worked full-time hours during the one week ending January 12, 2019.

Claimant was laid off and worked no hours and earned no wages or paid time off during the one week ending January 19, 2019. Employer is not protesting her benefits for that week.

Unfortunately, claimant did not file a weekly continued claim for the one week ending January 19, 2019.

Claimant only filed a weekly continued claim for the one week ending January 12, 2019.

Here is a screenshot of claimant's only weekly filing:¹

WEEK	WK	AB	RF	ER	IN						PROCESSED		
ENDING	ST	AV	OF	CT	PR	WAGES	VACAT	HLDY	P	DATE	MODE	TIME	
1/12/19	N	Y	N	0	N	0	0	1445	N	01/13/19	INTERNET	20.49	

¹ The holiday pay is an apparent reporting error by claimant.

Claimant did not realize she filed her continued weekly claim for the wrong week. Thus, she has not made a request for retroactive benefits.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes claimant was not able to and available for work during the one week ending January 12, 2019.

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 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.

In this case, claimant worked full-time during the one week ending January 12, 2019. Therefore, she is not eligible for benefits during that week.

DECISION:

The February 1, 2019, (reference 01) unemployment insurance decision is affirmed. The claimant is not considered able to and available for work during the one week ending January 12, 2019. Benefits are denied during that time period.

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

Decision Dated and Mailed

cal/scn