

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

JASON THEOBALD
Claimant

COMPUTER TASK GROUP INC
Employer

**APPEAL 20A-UI-01021-AW-T
ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 12/29/19
Claimant: Appellant (2)**

Iowa Code § 96.19(38) – Definitions – Total, partial, temporary unemployment
Iowa Code § 96.4(3) – Eligibility – A&A – Able to, available for, work search

STATEMENT OF THE CASE:

Claimant filed an appeal from the January 30, 2020 (reference 01) unemployment insurance decision that denied benefits. The parties were properly notified of the hearing. A telephone hearing was held on February 19, 2020, at 11:00 a.m. Claimant participated. Employer did not participate. No exhibits were admitted. Official notice was taken of the administrative record.

ISSUES:

Whether claimant is eligible to receive partial benefits.
Whether the claimant is able to and available for work.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant is employed as a full-time print production worker with Computer Task Group, Inc. Employer assigned claimant to work for White Distribution in Muscatine, Iowa. Claimant has worked at White Distribution since 2016. White Distribution initiated a temporary layoff from Monday, December 23, 2019 through Wednesday, January 1, 2020. Claimant did not work during the layoff. Claimant was not required to seek a new assignment from employer during the layoff. Claimant returned to work at White Distribution on January 2, 2020.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes claimant was temporarily unemployed from December 23, 2019 through January 1, 2020.

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:

"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.

Claimant did not work from December 23, 2019 through January 1, 2020 due to a temporary layoff. As such, the requirement that claimant be able to and available for work is waived for that time period. Benefits are allowed, provided claimant is otherwise eligible.

DECISION:

The January 30, 2020 (reference 01) unemployment insurance decision is reversed. Claimant was temporarily laid off by employer from December 23, 2019 through January 1, 2020. Therefore, the requirement that claimant be able to and available for work is waived. Benefits are allowed, provided claimant is otherwise eligible.

Adrienne C. Williamson
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Decision Dated and Mailed

acw/scn