

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**MITCHELL L COOPMAN**  
Claimant

**APPEAL 20A-UI-09345-AD-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**LOFFREDO GARDENS INC**  
Employer

**OC: 03/29/20**  
**Claimant: Appellant (4)**

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Iowa Code § 96.19(38) – Total, partial unemployment  
Iowa Code § 96.4(3) – Eligibility – A&A – Able to, available for, work search  
Iowa Admin. Code r. 871-24.23(26) – Eligibility – A&A – Part-time same hours, wages  
Iowa Code § 96.7(2)a(2) – Charges – Same base period employment

**STATEMENT OF THE CASE:**

On August 3, 2020, Mitchell Coopman (claimant/appellant) filed a timely appeal from the Iowa Workforce Development decision dated July 28, 2020 (reference 01) that denied benefits as of March 29, 2020 based on a finding that claimant was working enough hours to be considered employed.

A telephone hearing was held on September 22, 2020. The parties were properly notified of the hearing. Claimant participated personally. Loffredo Gardens Inc (employer/respondent) did not register a number for the hearing and did not participate.

Official notice was taken of the administrative record.

**ISSUE(S):**

- I. Is the claimant totally, partially, or temporarily unemployed?
- II. Is the claimant able to and available for work?
- III. Is the claimant still employed at the same hours and wages? Is the employer's account subject to charge? Is the claimant an on-call worker?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds:

Claimant began working for employer in December 2014. Claimant was employed full-time as a shuttle driver. The last day claimant worked was July 23, 2020. Claimant was laid off at that time due to a lack of work. Claimant has not had any formal communication from employer about whether he may be recalled to work at some point in the future. Claimant has not worked anywhere else since that time but is able to and available for work if work were offered.

Claimant was previously off work from approximately July 13 to July 23, 2020, due to employer requiring him to self-quarantine. Claimant took paid time off during this period. Claimant was previously off work for two weeks beginning approximately March 29, 2020 and continuing until April 13. Claimant's doctor him off work during this time due to the pandemic. Claimant also took paid time off during this period. Claimant returned to his usual, full-time work after that period.

#### **REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the decision dated July 28, 2020 (reference 01) that denied benefits as of March 29, 2020 based on a finding that claimant was working enough hours to be considered employed is MODIFIED in favor of appellant. Claimant is not eligible for benefits from the benefit week ending April 4, 2020 and continuing through the benefit week ending July 25, 2020. Claimant is eligible for benefits from the benefit week ending August 1, 2020, provided he meets all other eligibility requirements.

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.

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".

Claimant was not totally, partially, or temporarily unemployed from the benefit week ending April 4, 2020 and continuing through the benefit week ending July 25, 2020. This is because claimant was either working his normal, full-time hours during this time or taking paid time off. Claimant is therefore not eligible for benefits during that period. However, claimant is totally unemployed from the benefit week ending August 1, 2020, as he was laid off due to a lack of work on July 23, 2020. Claimant was otherwise able to and available for work after that date, and is therefore eligible for benefits from that date.

**DECISION:**

The decision dated July 28, 2020 (reference 01) that denied benefits as of March 29, 2020 based on a finding that claimant was working enough hours to be considered employed is MODIFIED in favor of appellant. Claimant is not eligible for benefits from the benefit week ending April 4, 2020 and continuing through the benefit week ending July 25, 2020. Claimant is eligible for benefits from the benefit week ending August 1, 2020, provided he meets all other eligibility requirements.



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

September 24, 2020  
Decision Dated and Mailed

abd/mh

**Note to Claimant:**

If you disagree with this decision, you may file an appeal with the Employment Appeal Board by following the instructions on the first page of this decision. If this decision denies benefits, you may be responsible for paying back benefits already received.

Individuals who are disqualified from or are otherwise ineligible 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.** Additional information on how to apply for PUA can be found at <https://www.iowaworkforcedevelopment.gov/pua-information>.