

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

LORI A JOCHUM
Claimant

DUBUQUE-HOLY FAMILY CATHOLIC
Employer

APPEAL 21A-UI-04369-LJ-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 04/05/20
Claimant: Respondent (3)

Iowa Code § 96.19(38) – Total, Partial, and Temporary Unemployment
Iowa Code § 96.4(3) – Ability to and Availability for Work
Iowa Code § 96.7(2)a(2) – Employer Contributions and Reimbursements

STATEMENT OF THE CASE:

On February 1, 2021, the employer, Dubuque—Holy Family Catholic, filed an appeal on behalf of claimant Lori A. Jochum from the January 22, 2021 (reference 01) unemployment insurance decision that denied benefits effective April 5, 2020, based upon a determination that claimant was still employed at the same hours and wages and was therefore ineligible for benefits.

The administrative law judge reviewed the appeal and the administrative record and was able to resolve the issue in claimant's favor with no prejudice to the employer without the need for a hearing. Therefore, the hearing scheduled for 9:00 a.m. on Friday, April 9, 2021, was not held.

ISSUE:

Is the claimant totally, partially, or temporarily unemployed effective April 5, 2020?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant worked for the employer. Effective March 16, 2020, the employer was required to close its schools due to the COVID-19 pandemic. Governor Reynolds had issued a proclamation closing K-12 schools in Iowa, and there was limited work available for claimant once the school was closed.

Effective April 5 2020, claimant was working reduced hours due to the COVID-19 pandemic. Claimant filed weekly continued claims for benefits beginning with the week ending April 11, 2020; and ending with the week ending July 4, 2020. Claimant received partial unemployment benefits for the weeks ending April 11 through June 6 and for the week ending July 4. Claimant received no unemployment benefits for the weeks ending June 13, June 20, and June 27, as she reported wages in excess of her weekly benefit amount plus fifteen dollars.

Claimant is listed as Group Code 8, which currently indicates that she is unemployed because of the pandemic. Under this group code, claimant is still attached to the employer but is not able to work due to the pandemic, and the employer is relieved of any charges.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes claimant was partially unemployed due to the pandemic for the weeks ending April 11 through June 6, 2020, and for the week ending July 4, 2020. Claimant is not eligible for benefits for the three weeks ending June 27, 2020. The underlying decision is modified in favor of the claimant.

Iowa Code § 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.

Iowa Code § 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".

Here, claimant worked some hours and reported some wages each week she filed for benefits beginning with the week ending April 11, 2020, through the week ending June 6, 2020; and again for the week ending July 4, 2020. The information in the administrative record combined with the information from the employer supports a finding that claimant was partially unemployed these weeks.

Claimant reported wages in excess of her weekly benefit amount plus fifteen dollars each week for the three weeks ending June 27, 2020. She is not eligible for benefits those weeks, as she was neither totally nor partially unemployed.

DECISION:

The January 22, 2021 (reference 01) unemployment insurance decision is modified in favor of claimant.

Claimant was partially unemployed due to the pandemic for the weeks ending April 11 through June 6, 2020, and for the week ending July 4, 2020. Benefits are allowed, provided claimant is otherwise eligible.

Claimant is not eligible for benefits for the three weeks ending June 27, 2020.



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April 12, 2021
Decision Dated and Mailed

lj/scn