

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**JAYDEN M KENNEDY**  
Claimant

**DUBUQUE—HOLY FAMILY CATHOLIC**  
Employer

**APPEAL 21A-UI-04368-LJ-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 03/15/20**  
**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, employer Dubuque—Holy Family Catholic filed an appeal on behalf of claimant Jayden M. Kennedy from the January 28, 2021 (reference 02) unemployment insurance decision that denied benefits based upon a determination that claimant was still employed at the same hours and wages as contemplated in the contract of hire.

Proper notice was issued, and a hearing was scheduled for 3:05 p.m. on Thursday, April 8, 2021. Prior to a hearing being held, the administrative law judge was able to resolve the issue in claimant's favor with no prejudice to the employer without testimony. Therefore, the hearing was cancelled.

**ISSUE:**

Is the claimant totally unemployed effective March 15, 2020?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant worked for the employer. Between March 15 and April 19, 2020, claimant was off work due to the COVID-19 pandemic. Governor Reynolds had issued a proclamation closing K-12 schools in Iowa, and there was no work available for claimant once the school was closed.

Claimant returned to work effective April 20, 2020. The administrative law judge notes that claimant has filed no weekly continued claims for benefits. Her claim year has now expired.

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 totally unemployed due to the pandemic. 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 was totally unemployed for several weeks effective March 15 2020. This total unemployment was a result of Governor Reynolds closing Iowa's K-12 schools due to the COVID-19 pandemic. Claimant was otherwise able to and available for work. Benefits would be allowed effective March 15, 2020, and until April 18, 2020, provided she is otherwise eligible. As claimant is classified as Group Code 8, the employer's account would not be charged for benefits.

As claimant never filed any weekly continued claims for benefits and her claim year has now expired, the issue is moot.

**DECISION:**

The January 28, 2021 (reference 02) unemployment insurance decision is modified in favor of claimant. Claimant was totally unemployed and was able to and available for work effective March 15, 2020, until April 18, 2020. Benefits are allowed, provided claimant is otherwise eligible.

As claimant never filed any weekly continued claims for benefits and her claim year has now expired, the issue is moot.



---

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

April 12, 2021  
Decision Dated and Mailed

lj/scn