

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

ROBERT B MINK
Claimant

APPEAL 22A-UI-06324-AW-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 01/02/22
Claimant: Appellant (1)**

Iowa Code § 96.4(3) – Eligibility – A&A – Able to, available for, work search
Iowa Code § 96.1A(37) – Definitions – Total, partial unemployment

STATEMENT OF THE CASE:

Claimant filed an appeal from the March 10, 2022 (reference 01) unemployment insurance decision that found claimant was no longer temporarily unemployed and notified claimant that he is required to seek work and keep a record of his reemployment activities. Claimant was properly notified of the hearing. A telephone hearing was held on April 25, 2022. Claimant participated. Matt Woolam, Golf Supervisor with the City of Davenport, was a witness for claimant. Claimant's Exhibit A was admitted. Official notice was taken of the administrative record.

ISSUES:

Whether claimant is able to and available for work.
Whether claimant is totally, partially or temporarily unemployed.

FINDINGS OF FACT:

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

Claimant filed an initial claim for unemployment insurance benefits effective January 2, 2022 due to a seasonal layoff from his job as a part-time Starter in the Pro Shop at the City of Davenport Golf Course. Claimant was laid off in December 2021. Claimant returned to work on March 12, 2022 for one day to complete training. Claimant returned to work on March 20, 2022 and has worked his regular hours since.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes:

Iowa Code section 96.4(3) provides (emphasis added):

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 96.1A, subsection 37, paragraph "b", subparagraph (1), or temporarily unemployed as defined in section 96.1A, subsection 37, 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 96.1A(37) provides (emphasis added):

"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 was laid off for 12 weeks. Claimant was no longer considered temporarily unemployed. As such, claimant was no longer exempt from the requirement that he earnestly and actively seek work.

DECISION:

The March 10, 2022 (reference 01) unemployment insurance decision is affirmed. Claimant was no longer temporarily employed. Claimant was required to actively seek work.



Adrienne C. Williamson
Administrative Law Judge
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April 28, 2022
Decision Dated and Mailed

acw/acw