

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

KAREN M BLAKEMAN
Claimant

APPEAL 21A-UI-06008-LJ-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

DUBUQUE HOLY FAMILY CATHOLIC
Employer

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

Iowa Code § 96.4(5) – Reasonable Assurance
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 12, 2021, claimant Karen M. Blakeman filed an appeal from the February 4, 2021 (reference 03) unemployment insurance decision that denied benefits effective June 7, 2020, based upon a determination that claimant had reasonable assurance of continued employment. Employer also appealed this decision on February 16, 2021. Prior to a hearing being scheduled, the administrative law judge reviewed claimant's appeal and supplemental documentation and the administrative record. Based upon a review of these materials, the administrative law judge can issue a decision without any additional testimony.

ISSUES:

Did claimant have reasonable assurance of continued employment effective June 7, 2020?
Was claimant totally unemployed effective June 7, 2020?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant has been employed with Dubuque—Holy Family Catholic in a full-time position since December 21, 2010. Most recently, claimant has worked for the employer as an administrative assistant. Claimant remains employed with this employer.

On March 16, 2020, Governor Reynolds issued an edict closing K-12 school statewide due to the emerging COVID-19 pandemic. Claimant was unemployed due to the pandemic-related shutdown from March 15, 2020, through August 10, 2020, at which time she was called back to work to help prepare for the 2020-21 school year. It was not the employer's voluntary choice to close its school in March 2020, nor was it claimant's voluntary choice to take a leave of absence from work. Due to the pandemic, there was simply no work available.

Claimant was scheduled to be on unpaid spring break from March 16 through March 20. She received compensation from the employer from March 23 through April 3, 2020.

Claimant began filing for benefits effective March 28, 2020; she reported \$415.00 in wages that week and received no benefits for that week. Claimant filed for benefits each week from April 5, 2020 through August 8, 2020, reporting no income and receiving full benefits each week. For the week ending August 15, 2020, claimant reported \$375.00 in wages and received no benefits. For the week ending August 22, 2020, claimant reported \$453.00 in wages and received no benefits. After that week, claimant stopped filing for unemployment insurance benefits.

Employer filed its appeal after receiving the unemployment insurance decision dated February 4, 2021. Employer states its June 22, 2020 letter was in error. Employer clarifies that claimant never had "reasonable assurance" and she was a twelve-month employee who was unemployed because of the pandemic throughout the duration of her claim.

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 effective April 5, 2020. Benefits are allowed, provided she is otherwise eligible. The underlying decision is modified in favor of claimant/appellant.

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 from April 5, 2020, through August 8, 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 are allowed for these weeks, provided she is otherwise eligible. As claimant is classified as Group Code 8, the employer's account is not being charged for benefits paid to claimant Karen M. Blakeman.

Claimant is not eligible for benefits for the week ending April 4, 2020; the week ending August 15, 2020; or the week ending August 22, 2020; as claimant reported wages in excess of her weekly benefit amount plus fifteen dollars for each of these weeks. Claimant did not receive any benefits for these three weeks.

DECISION:

The February 4, 2021 (reference 03) unemployment insurance decision is modified in favor of claimant/appellant. Claimant was totally unemployed effective April 5, 2020. Benefits are allowed from April 5, 2020, through August 8, 2020, provided she is otherwise eligible.



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March 31, 2021
Decision Dated and Mailed

lj/ol