

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

JORDAN T MIERLEY
Claimant

FOCUS SERVICES LLC
Employer

APPEAL 20A-UI-06651-AD-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 04/12/20
Claimant: Respondent (1)

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 June 22, 2020, Focus Services LLC (employer/appellant) filed a timely appeal from the June 12, 2020 (reference 02) unemployment insurance decision that found claimant was able and available for work during a short-term layoff.

A telephone hearing was held on July 27, 2020. The parties were properly notified of the hearing. Jordan Mierley (claimant/respondent) did not register a number for the hearing and did not participate. Employer participated by Hearing Representative Carleano Grant. Manager Jessi Flint participated as a witness for employer.

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 on February 3, 2020. Claimant is still employed by employer as a full-time customer service representative. Employer directed claimant to take an unpaid leave of absence beginning April 13 and continuing until April 20, 2020, as claimant came into contact with someone who was suspected to have contracted COVID-19 and employer wished for him to

quarantine until test results were obtained. Claimant was not paid during this time. Claimant was available for work and could have worked if his equipment was available to him at home.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the June 12, 2020 (reference 02) unemployment insurance decision that found claimant was able and available for work during a short-term layoff is **AFFIRMED**. Benefits are allowed, provided claimant is otherwise eligible.

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 totally unemployed during the benefit week ending April 18, 2020, as he performed no services and no wages were payable to him during this time. Employer mandated he take an unpaid leave of absence beginning April 13, 2020, and continuing until April 20, 2020. Claimant was able to and available for work during this time but was not working solely due to the forced leave of absence. Benefits are allowed.

DECISION:

The June 12, 2020 (reference 02) unemployment insurance decision that found claimant was able and available for work during a short-term layoff is AFFIRMED. Benefits are allowed, provided claimant is otherwise eligible.



Andrew B. Duffelmeyer
Administrative Law Judge
Unemployment Insurance Appeals Bureau
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Des Moines, Iowa 50319-0209
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August 3, 2020
Decision Dated and Mailed

abd/scn