

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**CHARLES ZANDERS**

Claimant

**APPEAL 20A-UI-04289-DB-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**DES MOINES IND COMMUNITY SCH DIST**

Employer

**OC: 03/15/20**

**Claimant: Respondent (1R)**

Iowa Code § 96.4(3) – Able to and Available for Work

Iowa Code § 96.3(7) – Overpayment of Benefits

PL 116-136 Sec 2104(B) – Federal Pandemic Unemployment Compensation

**STATEMENT OF THE CASE:**

The employer/appellant filed an appeal from the May 13, 2020 (reference 01) unemployment insurance decision that allowed benefits finding that the claimant was able to and available for work during layoff from this employer. After due notice was issued, a telephone hearing was held on June 8, 2020. The claimant participated personally. The employer, Des Moines Ind Community Sch Dist, participated through witness Rhonda Wagoner. The administrative law judge took administrative notice of the claimant's unemployment insurance benefits records.

**ISSUES:**

Was the claimant able to work and available for work effective March 1, 2020?

Is the claimant overpaid benefits?

Is the claimant eligible for Federal Pandemic Unemployment Compensation?

**FINDINGS OF FACT:**

Having heard the testimony and having examined the evidence in the record, the administrative law judge finds:

Claimant credibly testified he was able to and available for work beginning March 15, 2020. He has been working for Des Moines Area Community College (DMACC) a few hours per day each week and has been reporting his wages earned. He is working reduced hours from his position at DMACC due to the employer's reduction in hours.

The claimant worked for this employer from March 15, 2019 to May 23, 2019 as a substitute teacher. After six months of inactivity, claimant was considered separated from employment with this employer.

The issue of whether the claimant's separation from employment with this employer and/or whether the claimant has earned at least ten times his weekly benefit amount after any

disqualifying separation with this employer shall be remanded to the Benefits Bureau for an initial investigation and determination.

**REASONING AND CONCLUSIONS OF LAW:**

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

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 § 96.19, subsection 38, paragraph "b", subparagraph 1, or temporarily unemployed as defined in § 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 § 96.5, subsection 3 are waived if the individual is not disqualified for benefits under § 96.5, subsection 1, paragraph "h".

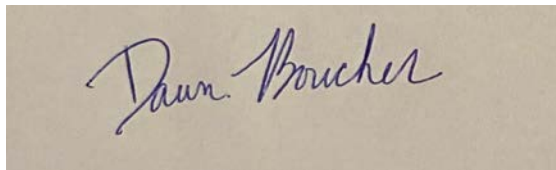
The claimant has established that he was able to and available for work beginning March 15, 2020. As such, benefits are allowed, provided he is otherwise eligible. Because benefits are allowed, the claimant is not overpaid regular unemployment insurance benefits or Federal Pandemic Unemployment Compensation.

**DECISION:**

The May 13, 2020 (reference 01) decision is affirmed. The claimant has established he was able to and available for work beginning March 15, 2020. Benefits are allowed effective March 15, 2020, provided the claimant is otherwise eligible.

**REMAND:**

The separation issue delineated in the findings of fact is remanded to the Benefits Bureau for an initial investigation and determination.



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Dawn Boucher  
Administrative Law Judge

June 23, 2020  
Decision Dated and Mailed

db/scn