

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

MATTHEW G DACRES

Claimant

SIOUX CITY COMMUNITY SCHOOL DIST

Employer

APPEAL 20A-UI-04410-AD-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 03/15/20

Claimant: Appellant (2)

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 May 20, 2020, Matthew Dacres (claimant/appellant) filed a timely appeal from the May 18, 2020 (reference 02) unemployment insurance decision that denied benefits.

A telephone hearing was held on June 15, 2020 at 8 a.m. The parties were properly notified of the hearing. Claimant participated personally. Sioux City Community School Dist (employer/respondent) participated by Assistant HR Director Stefanie Verros.

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?
- IV. Was claimant overpaid benefits?
- V. Is claimant eligible for Federal Pandemic Unemployment Compensation?

FINDINGS OF FACT:

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

Claimant began working for employer on January 31, 2019. Claimant is still employed by employer part-time as a food service worker. Claimant was guaranteed 2.75 hours of work per day at the time of hire.

Claimant typically worked from about 10:30 a.m. to 1:30 or 2 p.m., Monday through Friday. Claimant did not work the week ending March 21, 2020, as the school was closed due to the pandemic. Claimant returned to working at least 2.75 hours per week day after that and continuing until the end of May, when the school year ended and claimant chose not to work over the summer.

Claimant received weekly benefits in the amount of \$180.00 for the benefit week ending March 21, 2020. The total amount of benefits paid to date is \$180.00.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the May 18, 2020 (reference 02) unemployment insurance decision that denied benefits is REVERSED. The administrative law judge finds claimant was temporarily unemployed during the week ending March 21, 2020.

- I. Is the claimant totally, partially, or temporarily unemployed?

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.

Claimant typically worked from about 10:30 a.m. to 1:30 or 2 p.m., Monday through Friday. Claimant was guaranteed 2.75 hours of work per day at the time of hire. Claimant did not work the week ending March 21, 2020, as the school was closed due to the pandemic. Claimant returned to working at least 2.75 hours per week day after that and continuing until the end of May, when the school year ended and claimant chose not to work over the summer. Because claimant was employed at his regular job during the week ending March 21, 2020 but earned no wages that week, he was temporarily unemployed that week due to a lack of work or emergency. Claimant was not unemployed after that time, as he returned to working at least 2.75 hours per week day after that.

Claimant received weekly benefits in the amount of \$180.00 for the benefit week ending March 21, 2020. The total amount of benefits paid to date is \$180.00. Because the administrative law judge finds claimant eligible for benefits that week, he has not been overpaid benefits. The other issues noticed need not be addressed.

DECISION:

The May 18, 2020 (reference 02) unemployment insurance decision that denied benefits is REVERSED. The administrative law judge finds claimant was temporarily unemployed during the week ending March 21, 2020.



Andrew B. Duffelmeyer
Administrative Law Judge
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June 30, 2020
Decision Dated and Mailed

abd/sam