

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

BRADLEY A SPROUT

Claimant

ALUMINUM CO OF AMERICA

Employer

APPEAL 20A-UI-07899-AD-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 04/19/20

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 July 3, 2020, Bradley Sprout (claimant/appellant) filed a timely appeal from the Iowa Workforce Development decision dated July 1, 2020 (reference 01) that denied benefits based on a finding that claimant was unavailable for work due to requesting and being granted a leave of absence.

A telephone hearing was held on August 18, 2020. The parties were properly notified of the hearing. Claimant participated personally. Aluminum Co of America (employer/respondent) did not register a number for the hearing and did not participate.

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? Is the claimant on an approved leave of absence?

FINDINGS OF FACT:

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

Claimant began working for employer on December 11, 2006. Claimant is still employed by employer full-time as a machine operator. Employer placed claimant on an unpaid furlough from April 20 to May 17, 2020. The furlough was due to a lack of work. Claimant returned to his regular position on May 18 and has been in that position since.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the decision dated July 1, 2020 (reference 01) that denied benefits is REVERSED. Claimant was temporarily unemployed due to a lack of work from the benefit week ending April 25, 2020, and continuing through the benefit week ending May 16, 2020. Benefits are allowed.

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".

Employer placed claimant on an unpaid furlough from April 20 to May 17, 2020. The furlough was due to a lack of work. Claimant returned to his regular position on May 18 and has been in that position since. This was a period of temporary unemployment due to a lack of work. Benefits are allowed during this period, provided claimant is otherwise eligible.

DECISION:

The decision dated July 1, 2020 (reference 01) that denied benefits is REVERSED. Claimant was temporarily unemployed due to a lack of work from the benefit week ending April 25, 2020, and continuing through the benefit week ending May 16, 2020. Benefits are allowed.



Andrew B. Duffelmeyer
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August 24, 2020
Decision Dated and Mailed

abd/scn