

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

JORDAN B MAYER
Claimant

**COMMONWEALTH ELECTRIC CO OF THE
M**
Employer

APPEAL 21A-UI-05648-AD-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 01/03/21
Claimant: Respondent (2)

Iowa Code § 96.4(3) – Eligibility – A&A – Able to, available for, work search

STATEMENT OF THE CASE:

On February 11, 2021, Commonwealth Electric Co of the M (employer/appellant) filed a timely appeal from the February 4, 2021 (reference 01) unemployment insurance decision that allowed benefits beginning January 3, 2021 based on a finding claimant was able to and available for work during a short-term layoff.

A telephone hearing was held on April 27, 2021. The parties were properly notified of the hearing. Jordan Mayer (claimant/respondent) did not register a number for the hearing. Employer participated by Payroll Manager Kelsey Drexel.

Employer's Exhibit 1 was admitted. Official notice was taken of the administrative record.

ISSUE(S):

- I. Is the claimant able to and available for work?

FINDINGS OF FACT:

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

Claimant began working for employer on July 28, 2014. Claimant is still employed by employer as a full-time apprentice electrician.

Claimant filed a claim for benefits in the weeks ending January 9 and February 13, 2021. Claimant was in electrician school full-time during these weeks. Claimant knew when he entered the electrician program that employer would not pay him wages during weeks he was in training.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the February 4, 2021 (reference 01) unemployment insurance decision that allowed benefits beginning January 3, 2021 based on a finding claimant was able to and available for work during a short-term layoff is REVERSED.

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".

Because claimant was in school full-time during the weeks filed, he does not meet the availability requirements to be eligible for benefits in those weeks.

DECISION:

The February 4, 2021 (reference 01) unemployment insurance decision that allowed benefits beginning January 3, 2021 based on a finding claimant was able to and available for work during a short-term layoff is REVERSED. Claimant is not eligible for benefits in the weeks filed.



Andrew B. Duffelmeyer
Administrative Law Judge
Unemployment Insurance Appeals Bureau
1000 East Grand Avenue
Des Moines, Iowa 50319-0209
Fax (515) 478-3528

April 30, 2021
Decision Dated and Mailed

abd/ol

Note to Claimant: If you disagree with this decision, you may file an appeal with the Employment Appeal Board by following the instructions on the first page of this decision. If this decision denies benefits, you may be responsible for paying back benefits already received. Individuals who are disqualified from or are otherwise ineligible for **regular** unemployment insurance benefits but who are unemployed for reasons related to COVID-19 may qualify for Pandemic Unemployment Assistance (PUA). **You will need to apply for PUA to determine your eligibility.** Additional information on how to apply for PUA can be found at <https://www.iowaworkforcedevelopment.gov/pua-information>.