

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

CODY J DYER
Claimant

WALMART INC
Employer

APPEAL 21A-UI-04178-AD-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 05/03/20
Claimant: Appellant (2)

Iowa Code section 96.4(3) – Eligibility- Able to and Available for Work

STATEMENT OF THE CASE:

On January 29, 2021, Cody Dyer (claimant/appellant) filed an appeal from the January 21, 2021 (reference 01) unemployment insurance decision that denied benefits as of May 3, 2020 based on a finding claimant requested and was granted a leave of absence.

A telephone hearing was held on March 31, 2021. The parties were properly notified of the hearing. The claimant participated personally. His wife, Tanya Dyer, participated as a witness for claimant. Walmart Inc. (employer/respondent) registered a number for the hearing but no participant was available at the number registered.

Official notice was taken of the administrative record.

ISSUES:

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 in May 2014. Claimant is still employed by employer as a full-time auto center technician. Claimant has filed a claim for benefits each week from the benefit week ending May 9, 2020 and continuing through the benefit week ending January 2, 2021. Claimant has been able to and available for work during that entire period.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the January 21, 2021 (reference 01) unemployment insurance decision that denied benefits as of May 3, 2020 based on a finding claimant requested and was granted a leave of absence is REVERSED.

Iowa Code section 96.4(3) provides:

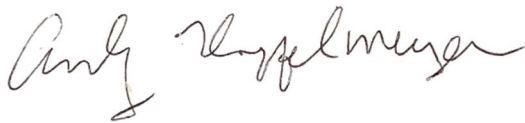
An unemployed individual shall be eligible to receive benefits with respect to any week only if the department finds that:

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".

Claimant has filed a claim for benefits each week from the benefit week ending May 9, 2020 and continuing through the benefit week ending January 2, 2021. Claimant has been able to and available for work during that entire period. Benefits are therefore allowed for each of these weeks, provided claimant is otherwise eligible.

DECISION:

The January 21, 2021 (reference 01) unemployment insurance decision that denied benefits as of May 3, 2020 based on a finding claimant requested and was granted a leave of absence is REVERSED. Claimant was able to and available for work during each week 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 6, 2021
Decision Dated and Mailed

abd/kmj