

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

ANGELA S WHITE

Claimant

APPEAL 20A-UI-06864-DB-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

ALUMINUM CO OF AMERICA

Employer

OC: 04/12/20

Claimant: Appellant (2)

Iowa Code § 96.4(3) – Able to and Available for Work
Iowa Code § 96.19(38)B – Partial Unemployment

STATEMENT OF THE CASE:

The claimant/appellant filed an appeal from the June 15, 2020 (reference 01) unemployment insurance decision that found claimant was not eligible for unemployment benefits due to her working the same hours and same wages. The parties were properly notified of the hearing. A telephone hearing was held on July 30, 2020. The claimant, Angela S. White, participated personally and was represented by Pat Stock. The employer, Aluminum Co. of America, did not participate. The administrative law judge took administrative notice of the claimant's unemployment insurance benefits records.

ISSUES:

Is the claimant eligible for total or partial unemployment benefits?
Is claimant employed for the same hours and wages?
Is the claimant able to and available for work?
Is the employer's account subject to charges?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant started working for Aluminum Co. of America on July 19, 2004. She is still employed to date; however, the company changed names to Arconic Davenport LLC. She works full-time as a production worker.

From April 20, 2020 through May 16, 2020 claimant was laid off due to lack of production because of the COVID 19 pandemic. The claimant filed her original claim for unemployment insurance benefits effective April 12, 2020. Claimant's administrative records establish that she has filed weekly-continued claims for benefits for the week-ending April 25, 2020; May 2, 2020; May 9, 2020; and May 16, 2020. Claimant was able to and available for work during these four weeks; however, work was not available for her. Claimant was back to work full-time effective May 19, 2020.

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 section 96.19, subsection 38, paragraph "b", subparagraph (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".

(emphasis added).

Iowa Code § 96.19(38)b provides:

As used in this chapter, unless the context clearly requires otherwise:

38. "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.

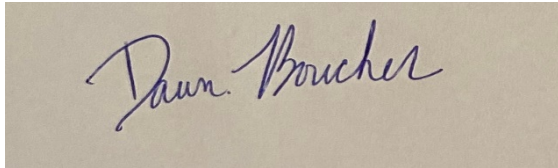
(2) The individual, having been separated from the individual's regular job, earns at odd jobs less than the individual's weekly benefit amount plus fifteen dollars.

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.

In this case, the claimant was temporarily unemployed for the four weeks between April 19, 2020 and May 16, 2020 due to a lack of work. As such, benefits are allowed for those weeks, provided the claimant is otherwise eligible.

DECISION:

The June 15, 2020 (reference 01) decision is reversed. Claimant has established her ability to and availability for work. Claimant was temporarily unemployed from April 19, 2020 through May 16, 2020. Benefits are allowed from April 19, 2020 through May 16, 2020, provided the claimant is otherwise eligible.



Dawn Boucher
Administrative Law Judge

August 5, 2020
Decision Dated and Mailed

db/scn