

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**JOSHUA D LAUGHRIDGE**  
Claimant

**MODERN PIPING INC**  
Employer

**APPEAL 19A-UI-08795-DB-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 11/25/18  
Claimant: Respondent (2)**

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

**STATEMENT OF THE CASE:**

The employer/appellant filed an appeal from the November 5, 2019 (reference 04) unemployment insurance decision that found claimant was eligible for unemployment benefits effective October 13, 2019 due to a short-term layoff. The parties were properly notified of the hearing. A telephone hearing was held on December 3, 2019. The claimant, Joshua D. Laughridge, did not participate. The employer, Modern Piping Inc., participated through witness Lisa Hadenfeldt. The administrative law judge took official notice of the claimant's unemployment insurance benefits records.

**ISSUES:**

Was the claimant totally or partially unemployed?  
Is the claimant able to work and available for work effective October 13, 2019 through October 19, 2019?

**FINDINGS OF FACT:**

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

Claimant is currently employed as a full-time apprentice pipefitter at the employer's manufacturing company. He began working for this employer on May 17, 2016. Claimant works in the field most of the time but works in the shop occasionally.

Claimant is a member of the Local 125 Union for Pipefitters. For the one-week period ending October 19, 2019, claimant attended his apprenticeship training class. He did not earn any wages, holiday pay, vacation pay or pension pay for that week. This employer has an agreement with the Local 125 Union to allow members to attend classroom training for six weeks out of a year in one-week increments. This classroom training is provided by the union's JATC committee. The agreement between the employer and the union provides that these week-long classroom trainings are unpaid. The JATC provides the employer with a list of weeks that the classroom trainings are held and the claimant was allowed to attend the classroom trainings in lieu of working on site. Claimant was not required to attend this training on this

specific week in order to remain eligible for his employment with this employer. If the claimant missed the class, then he could go in front of the JATC board in order to make up class. Claimant has the ability to join other unions besides the Local 125. Work was available to the claimant if he had chosen not to go to the class the week-ending October 19, 2019.

### REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes as follows:

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"**.

(emphasis added.)

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.

(emphasis added.)

In this case, the claimant was not partially unemployed because he did not earn wages. Further, he was not temporarily unemployed due to a plant shutdown, vacation, inventory, lack of work or emergency from his regular job or trade. He was not performing services and

earning wages the week-ending October 19, 2019 because he chose to attend classroom training that the Local 125 Union provided. As such, claimant is not considered partially or temporarily unemployed pursuant to Iowa Code § 96.19(38). Because he was not considered partially or temporarily unemployed, Iowa Code § 96.4(3) applies in that the claimant must be able to work, available for work and earnestly and actively seeking work.

Iowa Admin. Code r. 871-24.22(2) provides:

Benefits eligibility conditions. For an individual to be eligible to receive benefits the department must find that the individual is able to work, available for work, and earnestly and actively seeking work. The individual bears the burden of establishing that the individual is able to work, available for work, and earnestly and actively seeking work.

(2) Available for work. The availability requirement is satisfied when an individual is willing, able, and ready to accept suitable work which the individual does not have good cause to refuse, that is, the individual is genuinely attached to the labor market. Since, under unemployment insurance laws, it is the availability of an individual that is required to be tested, the labor market must be described in terms of the individual. A labor market for an individual means a market for the type of service which the individual offers in the geographical area in which the individual offers the service. Market in that sense does not mean that job vacancies must exist; the purpose of unemployment insurance is to compensate for lack of job vacancies. It means only that the type of services which an individual is offering is generally performed in the geographical area in which the individual is offering the services.

Claimant was clearly not available for work as he was attending classroom training the entire week-ending October 19, 2019. As such, the claimant has failed to establish he was able to work, available for work, and actively seeking work effective October 13, 2019 through October 19, 2019. Benefits are denied effective October 13, 2019 through October 19, 2019.

**DECISION:**

The November 5, 2019 (reference 04) unemployment insurance decision is reversed. The claimant was not on a short-term layoff and was not partially or temporarily unemployed effective October 13, 2019. Claimant failed to establish that he was available for work. Benefits are denied effective October 13, 2019 and ending October 19, 2019.

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Dawn Boucher  
Administrative Law Judge

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Decision Dated and Mailed

db/scn