

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

LAKEN M PINS
Claimant

APPEAL 20A-UI-15942-DB-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

THE UNIVERSITY OF IOWA
Employer

OC: 07/26/20
Claimant: Appellant (4)

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 November 9, 2020 (reference 01) unemployment insurance decision that found claimant was not eligible for unemployment benefits effective August 2, 2020 due to her still being employed at the same hours and same wages as her original contract of hire. The parties were properly notified of the hearing. A telephone hearing was held on January 29, 2021. The claimant, Laken M. Pins, participated personally. The employer, The University of Iowa, participated through witness Jessica Wade. The administrative law judge took administrative notice of the claimant's unemployment insurance benefits records.

ISSUES:

Is the claimant able to and available for work?
Is the claimant eligible for total, partial or temporary unemployment benefits?
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 began working for this employer on July 22, 2013. For the past several years the claimant has been employed full-time. She currently works as a Clinical Technical Specialist.

She filed an original claim for unemployment insurance benefits effective July 26, 2020 and filed one weekly-continued claim for the benefit week-ending August 1, 2020. Claimant was furloughed for one week from July 26, 2020 through August 1, 2020. She did not earn any wages, vacation pay, holiday pay or pension pay during that one-week period. The employer furloughed her due to budget constraints. Claimant was able to and available for work that week if work would have been available for her.

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".

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.

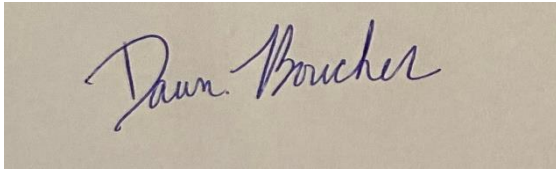
c. An individual shall be deemed temporarily unemployed if for a period, verified by the department, not to exceed four consecutive weeks, the individual is unemployed due to a plant shutdown, vacation, inventory, lack of work, or emergency from the individual's regular job or trade in which the individual worked full-time and will again work full-time, if the individual's employment, although temporarily suspended, has not been terminated.

(emphasis added).

Claimant was temporarily laid off due to lack of work for the week-ending August 1, 2020 as she did not perform any services or earn any wages. See Iowa Code § 96.19(38). Benefits are allowed for the one-week of temporary unemployment of July 26, 2020 through August 1, 2020, provided the claimant is otherwise eligible. The employer's account may be charged for benefits paid during that one-week period.

DECISION:

The November 9, 2020 (reference 01) decision is modified in favor of the appellant. Claimant was temporarily laid off from July 26, 2020 through August 1, 2020. Benefits are allowed, provided the claimant is otherwise eligible.

A rectangular area containing a handwritten signature in blue ink that reads "Dawn Boucher". The signature is written in a cursive style.

Dawn Boucher
Administrative Law Judge

February 16, 2021
Decision Dated and Mailed

db/mh