

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

JESSICA J KENAGY
Claimant

SIOUX CITY COMMUNITY SCHOOL DIST
Employer

APPEAL 20A-UI-08750-JC-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 05/24/20
Claimant: Appellant (1)

Iowa Code § 96.4(3) – Ability to and Availability for Work

STATEMENT OF THE CASE:

The claimant/appellant, Jessica J. Kenagy, filed an appeal from the July 23, 2020 (reference 01) unemployment insurance decision that denied benefits. After proper notice, a telephone hearing was conducted on September 8, 2020. It was held jointly with Appeal 20-A-UI-08751-JC-T. The claimant participated personally. The employer participated through Stefanie Verros, assistant director of human resources. The administrative law judge took official notice of the administrative records. Claimant Exhibit A and Employer Exhibits 1-2 were admitted. Based on the evidence, the arguments presented, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Is the claimant able and available for work for the period of May 24, 2020 through June 6, 2020?

STATEMENT OF THE CASE:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant has worked for employer since 2017. Most recently, the claimant works for the employer as a full-time special education instructional assistant.

Due to COVID-19, the claimant did not work full-time hours during the period of May 24, 2020 through June 6, 2020, but was still paid full-time wages by the employer.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant was not able and available for work May 24, 2020 through June 6, 2020.

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 96.1A, 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 Admin. Code r. 871-24.23(23) provides:

Availability disqualifications. The following are reasons for a claimant being disqualified for being unavailable for work.

(23) The claimant's availability for other work is unduly limited because such claimant is working to such a degree that removes the claimant from the labor market.

For the period of May 24, 2020 through June 6, 2020, the claimant was compensated for full-time work, even though she may not have physically worked full-time hours. She does not meet the eligibility requirements for unemployment insurance benefits during this time, and therefore, benefits are denied.

DECISION:

The July 23, 2020 (reference 01) initial decision is affirmed. The claimant does not meet the eligibility requirements to receive unemployment insurance benefits May 24, 2020 through June 6, 2020, because she was employed full-time. Benefits are denied for this period.

NOTE TO CLAIMANT:

- This decision determines you are not eligible for regular unemployment insurance benefits. If you disagree with this decision you may file an appeal to the Employment Appeal Board by following the instructions on the first page of this decision.
- If you do not qualify for regular unemployment insurance benefits due to disqualifying separations and are currently unemployed for reasons related to COVID-19, you may qualify for Pandemic Unemployment Assistance (PUA). **You will need to apply for PUA to determine your eligibility under the program.** More information about how to apply for PUA is available online at:
www.iowaworkforcedevelopment.gov/pua-information

If you have applied and have been approved for PUA benefits, this decision will not negatively affect your entitlement to PUA benefits.



Jennifer L. Beckman
Administrative Law Judge
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September 9, 2020
Decision Dated and Mailed

jlb/scn