

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

68-0157 (9-06) - 3091078 - EI

**LEON WILLIAMS**  
Claimant

**APPEAL NO. 16A-UI-04620-B2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**L A LEASING INC**  
Employer

**OC: 03/20/16**  
**Claimant: Appellant (4/R)**

Iowa Admin. Code r. 871-24.23(26) – Part-Time Worker  
Iowa Code § 96.4-3 – Able and Available

**STATEMENT OF THE CASE:**

Claimant filed an appeal from a decision of a representative dated April 12, 2016, reference 02, which held claimant not able and available for work. After due notice, a hearing was scheduled for and held on May 4, 2016. Employer participated by Colleen McGuinty and Shelby Kingery. Claimant failed to respond to the hearing notice and did not participate.

**ISSUES:**

The issues are whether claimant is partially unemployed and whether claimant is able and available for work.

**FINDINGS OF FACT:**

The claimant worked for LA Leasing, a base-period employer until April 7, 2016, under the same terms and conditions as contemplated in the original contract of hire. During this time period the claimant was most recently placed with Midwest Poly, where he would work full weeks or take full weeks off from work. The week of March 20 through 26, 2016, claimant was laid off from Midwest Poly, and employer did not put claimant in another job. Claimant returned to work the next week and worked a full week. The next week, beginning April 3, 2016, claimant worked April 4 through 6, 2016 before claimant stopped working for employer. Claimant was a no-call/no-show on April 7, 2016 and April 11, 2016. On April 11, 2016, employer called claimant and claimant stated that he had to take care of family business. Employer has not heard from claimant since that date.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the claimant was laid off the week of March 20 through 26, 2016 and eligible to receive benefits.

Iowa Code § 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, 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.

An individual shall be deemed partially unemployed in any week in which 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.

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", 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".

Iowa Admin. Code r. 871-24.25(20) provides:

Voluntary quit without good cause. In general, a voluntary quit means discontinuing the employment because the employee no longer desires to remain in the relationship of an employee with the employer from whom the employee has separated. The employer has the burden of proving that the claimant is disqualified for benefits pursuant to Iowa Code § 96.5. However, the claimant has the initial burden to produce evidence that the claimant is not disqualified for benefits in cases involving Iowa Code § 96.5, subsection (1), paragraphs "a" through "i," and subsection 10. The following reasons for a voluntary quit shall be presumed to be without good cause attributable to the employer:

(20) The claimant left for compelling personal reasons; however, the period of absence exceeded ten working days.

Benefits are allowed for the one week period when claimant was laid off from his assignment on March 20 through 26, 2016. Claimant then continued to work from March 27, 2016 through April 6, 2016.

This matter will be remanded to the fact finder to explore the issue of job separation as the administrative law judge received information, not noticed to the parties, that claimant is no longer employed by employer.

**DECISION:**

The April 12, 2016, reference 02, decision is modified such that claimant is eligible to receive benefits the week of March 20 through 26, 2016. This matter is remanded to the fact finder to make a benefits determination after this time period.

---

Blair A. Bennett  
Administrative Law Judge

---

Decision Dated and Mailed

bab/can