

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

CHRIS BROOKHART
Claimant

HENNIGES AUTOMOTIVE IOWA INC.
Employer

APPEAL 21A-UI-09425-CS-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 12/22/19
Claimant: Appellant (2)

Iowa Code §96.5(2)a-Discharge/Misconduct
Iowa Code §96.5(1)- Voluntary Quit

STATEMENT OF THE CASE:

On April 2, 2021, the claimant/appellant filed an appeal from the March 30, 2021, (reference 05) unemployment insurance decision that disallowed benefits based on claimant being discharged for excessive unexcused absences. The parties were properly notified about the hearing. A telephone hearing was held on June 10, 2021. Claimant personally participated. Employer participated through Jody Hay.

ISSUE:

Was the separation a layoff, discharger for misconduct, or voluntary quit without good cause?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant began working for employer on August 22, 2019. Claimant currently works for the employer as a full-time warehouse attendant. From December 23, 2019, through January 1, 2020, claimant was unemployed due to a plant shutdown.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant is temporarily unemployed for the weeks ending December 28, 2019, and January 4, 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 96.19, 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 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.

The claimant was temporarily unemployed for the week ending December 28, 2019, and partially unemployed for the week of January 4, 2020, due to a plant shutdown. Benefits are allowed.

DECISION:

The March 30, 2021, reference 05, decision is reversed. The claimant was temporarily unemployed for the week ending December 28, 2019, and was partially unemployed for the week ending January 4, 2020 and benefits are allowed, provided claimant is otherwise eligible.

A handwritten signature in black ink that reads "Carly Smith". The signature is written in a cursive, flowing style. The "C" is large and loops around the "arly". The "Smith" is written in a more standard cursive. There is a small, illegible mark below the signature.

Carly Smith
Administrative Law Judge
Unemployment Insurance Appeals Bureau

June 24, 2021
Decision Dated and Mailed

cs/mh

