

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

**JOSH C OWENS**  
Claimant

**BAKER ELECTRIC INC**  
Employer

**APPEAL 21A-UI-02170-AD-T**  
**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 02/02/20**  
**Claimant: Appellant (1)**

Iowa Code section 96.4(3) – Eligibility – Able to and Available for Work

**STATEMENT OF THE CASE:**

On December 22, 2020, Josh Owens (claimant/appellant) filed an appeal from the December 18, 2020 (reference 01) unemployment insurance decision that denied benefits from October 25 through October 31, 2020, based on a finding he did not work the major portion of the scheduled workweek with his regular employer.

A telephone hearing was held on March 2, 2021. The parties were properly notified of the hearing. The claimant participated personally. Baker Electric Inc (employer/respondent) participated by Payroll Jen Pederson. Payroll Jennifer Robinson participated as a witness for employer.

Official notice was taken of the administrative record.

**ISSUES:**

Is the claimant able to and available for work?

**FINDINGS OF FACT:**

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

Claimant's first day of employment was February 13, 2017. Claimant is still employed by employer as a full-time apprentice electrician. Claimant was not available for work from October 26 through October 30, 2020. This is due to claimant attending full-time union training during that week.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the December 18, 2020 (reference 01) unemployment insurance decision that denied benefits from October 25 through October 31, 2020, based on a finding he did not work the major portion of the scheduled workweek with his regular employer is **AFFIRMED**.

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".

Claimant was not available for work during the week ending October 31, 2020, as he was in full-time union training during that time. He is therefore ineligible for benefits during that week.

**DECISION:**

The December 18, 2020 (reference 01) unemployment insurance decision that denied benefits from October 25 through October 31, 2020, based on a finding he did not work the major portion of the scheduled workweek with his regular employer is AFFIRMED. Claimant is not eligible for benefits in the benefit week ending October 31, 2020.



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Andrew B. Duffelmeyer  
Administrative Law Judge  
Unemployment Insurance Appeals Bureau  
1000 East Grand Avenue  
Des Moines, Iowa 50319-0209  
Fax (515) 478-3528

March 8, 2021  
Decision Dated and Mailed

abd/lj

**Note to Claimant:**

If you disagree with this decision, you may file an appeal with the Employment Appeal Board by following the instructions on the first page of this decision. If this decision denies benefits, you may be responsible for paying back benefits already received.

Individuals who are disqualified from or are otherwise ineligible for regular unemployment insurance benefits but who are unemployed for reasons related to COVID-19 may qualify for Pandemic Unemployment Assistance (PUA). **You will need to apply for PUA to determine your eligibility.** Additional information on how to apply for PUA can be found at <https://www.iowaworkforcedevelopment.gov/pua-information>.