

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

RICH L JOCHIM
Claimant

ALUMINUM CO OF AMERICA
Employer

APPEAL 20A-UI-08179-AD-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 04/19/20
Claimant: Appellant (2)

Iowa Code section 96.4(3) – Eligibility – Ability to and Availability for Work\

STATEMENT OF THE CASE:

On July 6, 2020, Rich Jochim (claimant/appellant) filed an appeal from the July 1, 2020 (reference 01) unemployment insurance decision that denied benefits based on a finding that claimant requested and was granted a leave of absence and was therefore unavailable for work.

A telephone hearing was held on August 24, 2020. The parties were properly notified of the hearing. The claimant participated personally. Union Representative John Dillion participated as a witness for claimant. Aluminum Co of America (employer/respondent) participated by HR Representative Jason Mucciarone.

Claimant's exhibit 1 was admitted. 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 September 13, 2004. Claimant is still employed by employer as a full-time production worker. Claimant was temporarily laid off due to a lack of work on April 20, 2020. He was available for work during this time. He returned to his usual position on June 1, 2020.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the July 1, 2020 (reference 01) unemployment insurance decision that denied benefits is REVERSED. Claimant is eligible for benefits from the week ending April 25, 2020, provided he meets all other eligibility requirements.

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 on a leave of absence. He was laid off due to a lack of work. He was available for work during that time. He is therefore eligible for benefits, provided he is otherwise eligible.

DECISION:

The July 1, 2020 (reference 01) unemployment insurance decision that denied benefits is REVERSED. Claimant is eligible for benefits from the week ending April 25, 2020, provided he meets all other eligibility requirements.



Andrew B. Duffelmeyer
Administrative Law Judge
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Des Moines, Iowa 50319-0209
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August 26, 2020
Decision Dated and Mailed

abd/mh