

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

VICKI A LANGFORD
Claimant

DES MOINES—HOLY TRINITY
Employer

APPEAL 21A-UI-11525-LJ-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 03/15/20
Claimant: Appellant (2)

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

STATEMENT OF THE CASE:

On April 2, 2021, employer Des Moines—Holy Trinity filed an appeal on behalf of claimant Vicki A. Langford from the March 23, 2021 (reference 01) unemployment insurance decision that denied benefits effective April 5, 2020, based on a determination that claimant was working enough hours to be considered employed. After reviewing the employer's appeal and the administrative record, the administrative law judge was able to resolve the matter without the need for a hearing.

ISSUE:

Is the claimant able to work and available for work effective April 5, 2020?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant worked for the employer as a full-time employee. Between March 15, 2020, and May 29, 2020, claimant was working no hours due to the COVID-19 pandemic. Governor Reynolds had issued a proclamation closing K-12 schools in Iowa, and there was no work available for claimant once the school was closed.

Claimant filed weekly claims for the five-week period ending April 18, 2020. She reported no wages for any of these five weeks. When filing her weekly continued claims for benefits, claimant reported that she did not work during any of these weeks. Claimant received her full benefit amount for each of these five weeks.

Claimant is listed as Group Code 8, which currently indicates that she is unemployed because of the pandemic. Under this group code, claimant is still attached to the employer but is not able to work due to the pandemic, and the employer is relieved of any charges.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes claimant was able to work and available for work effective April 5, 2020. The underlying decision is reversed.

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".

Here, based on claimant's weekly continued claim filings, claimant was totally unemployed for five weeks effective March 15, 2021. Claimant worked no hours during any of these five weeks. This total unemployment was a result of Governor Reynolds closing Iowa's K-12 schools due to the COVID-19 pandemic. Once the schools were closed, no work was available for claimant to perform. As claimant was working no hours, she meets the availability requirements of the law, and benefits are allowed provided she is otherwise eligible.

DECISION:

The March 23, 2021, (reference 01) unemployment insurance decision is reversed. Claimant was able to work and available for work effective April 5, 2020, as she was working no hours. Benefits are allowed, provided claimant is otherwise eligible.



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

June 22, 2021
Decision Dated and Mailed

lj/mh