

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**CHRISTOPHER H DARIN**  
Claimant

**ALUMINUM CO OF AMERICA**  
Employer

**APPEAL 20A-UI-6822-DB-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 04/12/20**  
**Claimant: Appellant (1)**

Iowa Code § 96.4(3) – Able and Available

**STATEMENT OF THE CASE:**

The claimant/appellant filed an appeal from the June 16, 2020 (reference 01) unemployment insurance decision that found claimant was not eligible for unemployment benefits for one week from April 12, 2020 through April 18, 2020 due to him working enough hours to be considered employed. The parties were properly notified of the hearing. A telephone hearing was held on July 29, 2020. The claimant, Christopher H. Darin, participated personally. The employer, Aluminum Co. of America, did not participate. The administrative law judge took administrative notice of the claimant's unemployment insurance benefits records.

**ISSUE:**

Was the claimant unemployed for the one-week period of April 12, 2020 through April 18, 2020 or was he working enough hours to be considered employed?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant is employed full-time for this employer. He filed his original claim for unemployment insurance benefits with an effective date of April 12, 2020. His weekly benefit amount is \$481.00. He filed weekly-continued claims for the week-ending April 18, 2020; April 25, 2020; May 2, 2020 and May 9, 2020. Claimant worked full-time for the week of April 12, 2020 through April 18, 2020. He earned gross wages during April 12, 2020 through April 18, 2020 in the amount of \$838.00. He was not paid unemployment compensation benefits for the week of April 12, 2020 through April 18, 2020 because his gross earned wages exceeded his weekly benefit amount, plus \$15.00. Claimant was unemployed for the remaining three weeks in which he filed weekly-continued claims for benefits.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the claimant was not unemployed for the week of April 12, 2020 through April 18, 2020. Benefits are denied for that one-week period of time only. There is no overpayment of benefits for that week because no unemployment insurance benefits were paid for that week.

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 § 96.19, subsection 38, paragraph "b", subparagraph 1, or temporarily unemployed as defined in § 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 § 96.5, subsection 3 are waived if the individual is not disqualified for benefits under § 96.5, subsection 1, paragraph "h".

Iowa Admin. Code r. 871-24.23(23) provides:

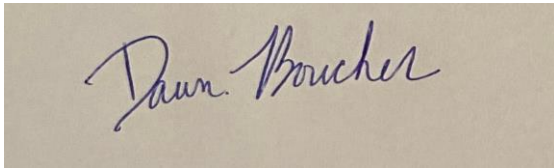
Availability disqualifications. The following are reasons for a claimant being disqualified for being unavailable for work.

(23) The claimant's availability for other work is unduly limited because such claimant is working to such a degree that removes the claimant from the labor market.

The burden is on the claimant to establish that he was totally, partially or temporarily unemployed and that he was able to work and available for work within the meaning of the statute. Iowa Code § 96.6(2). Because the claimant was working full-time for the week of April 12, 2020 through April 18, 2020, he was not totally, partially or temporarily unemployed during that one-week period of time. As such, unemployment insurance benefits are denied for the one-week period of April 12, 2020 through April 18, 2020.

**DECISION:**

The June 16, 2020 (reference 01) unemployment insurance decision is affirmed. The claimant was temporarily, totally or partially unemployed for the one-week period of time from April 12, 2020 through April 18, 2020. Unemployment insurance benefits are denied for that one-week period of time only.



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Dawn Boucher  
Administrative Law Judge

August 4, 2020  
Decision Dated and Mailed

db/mh