

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

DEBORAH A OWENS
Claimant

APPEAL 21A-UI-03343-LJ-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

DAVENPORT ST PAUL THE APOSTLE
Employer

OC: 03/22/20
Claimant: Appellant (2)

Iowa Code § 96.19(38) – Total, Partial, and Temporary Unemployment
Iowa Code § 96.7(2)a(2) – Employer Contributions and Reimbursements

STATEMENT OF THE CASE:

On January 21, 2021, the claimant, Deborah A. Owens (as well as employer Davenport—St. Paul the Apostle) filed an appeal from the January 12, 2021 (reference 01) unemployment insurance decision that denied benefits based upon a determination that claimant was unemployed during a vacation or holiday recess. The parties were properly notified of the hearing. A telephonic hearing was held on Thursday, March 25, 2021. The claimant, Deborah A. Owens, participated. The employer, Davenport—St. Paul the Apostle, participated through witnesses Rose Strickland, Finance Manager; and Julie Delaney, Principal; and hearing representative Paul Jahnke represented the employer. No exhibits were received or admitted into the record. The administrative law judge took official notice of the administrative record.

ISSUE:

Was claimant Deborah A. Owens totally unemployed effective March 22, 2021?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant has been employed with Davenport—St. Paul the Apostle in a full-time position since August 22, 2002. Most recently, claimant has worked for the employer as a classroom aide. Claimant remains employed with this employer.

Claimant is an hourly employee and does not receive a new contract each school year. Rather, claimant typically works throughout the year, including during the summer months. She receives a letter of intent from the employer in February asking her to indicate whether she will still work for the employer in the coming academic year. Later in the spring, she receives her hourly wage for the coming academic year.

On March 16, 2020, Governor Reynolds issued an edict closing K-12 school statewide due to the emerging COVID-19 pandemic. Claimant was unemployed due to the pandemic-related shutdown from March 15, 2020, through April 11, 2020, and from June 7, 2020, through the week ending August 22, 2020. Because of the pandemic, claimant could not perform her

traditional summer duties conducting home visits to all of the incoming young students. It was not the employer's voluntary choice to close its school in March 2020, nor was its claimant's voluntary choice to take a leave of absence from work. Due to the pandemic, there was simply no work available.

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 the underlying decision is reversed. Claimant was totally unemployed and eligible for unemployment insurance benefits.

Iowa Code § 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.

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:

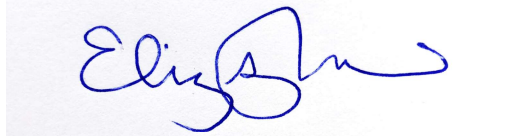
3. The individual is able to work, is available for work, and is earnestly and actively seeking work. This subsection is waived if the individual is deemed partially unemployed, while employed at the individual's regular job, as defined in section 96.19, subsection 38, paragraph "b", unnumbered paragraph (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, claimant was totally unemployed for the remainder of the school year effective March 22, 2020. This total unemployment was a result of Governor Reynolds closing Iowa's K-12 schools due to the COVID-19 pandemic. Claimant was otherwise able to and available for work. Benefits are allowed effective March 22, 2020, provided she is otherwise eligible. As claimant is

classified as Group Code 8, the employer's account is not being charged for benefits paid to claimant Deborah A. Owens.

DECISION:

The January 12, 2021 (reference 01) unemployment insurance decision is reversed. Claimant was totally unemployed and was able to and available for work effective March 22, 2020. Benefits are allowed, provided claimant is otherwise eligible.



Elizabeth A. Johnson
Administrative Law Judge
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March 26, 2021
Decision Dated and Mailed

lj/kmj