

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

TERESA R LONG
Claimant

WALMART INC
Employer

APPEAL 20A-UI-07639-CL-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 04/05/20
Claimant: Appellant (2)

Iowa Code § 96.4(3) – Able and Available

STATEMENT OF THE CASE:

On July 6, 2020, the claimant filed an appeal from the June 25, 2020, (reference 01) unemployment insurance decision that denied benefits based on claimant's availability for work. The parties were properly notified about the hearing. A telephone hearing was held on August 12, 2020. Claimant participated. Employer did not register for the hearing and did not participate.

ISSUE:

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 originally worked for employer as a full-time customer service manager. In November 2019, claimant began a full-time job for another employer, Medix Staffing Solutions. Claimant then transitioned to part-time status with this employer. In January 2020, employer informed claimant it was restructuring and eliminating her position.¹ Employer informed claimant she would be eligible for a severance payment. The position was supposed to end on March 21, 2020, but claimant continued on the schedule until April 5, 2020. Claimant's last day of work was April 5, 2020. After that date, claimant tried to call employer's human resource department to inform the department she was going to accept the severance payment. Claimant called the human resource employee once per day, until she finally heard back on May 21, 2020. Employer sent claimant an offer of a severance payment in June 2020, but claimant did not sign the agreement because it required her to give up her right to file for unemployment insurance benefits.

Claimant was laid off from her full-time job with Medix Staffing Solutions on March 16, 2020, due to the COVID 19 pandemic.

¹ Employer offered claimant another position, which claimant declined. Iowa Workforce Development issued a decision allowing benefits based on her declination of an offer of work and that decision has not been appealed.

Claimant has been able to and available for work since April 5, 2020.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes that the claimant is able to work and available for work.

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 96.1A, subsection 38, paragraph "b", subparagraph (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 has no medical restriction or other limitation on her employability effective April 5, 2020. Accordingly, benefits are allowed.

DECISION:

The June 25, 2020, (reference 01), decision is reversed. The claimant is able to work and available for work effective April 5, 2020. Benefits are allowed.



Christine A. Louis
Administrative Law Judge
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August 24, 2020
Decision Dated and Mailed

cal/scn