

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

**RACHAEL CRINIGAN**  
Claimant

**APPEAL NO. 21A-UI-10254-B2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**WHIRLPOOL CORPORATION**  
Employer

**OC: 03/29/20**  
**Claimant: Respondent (1)**

Iowa Admin. Code r. 871-24.23(26) – Part-Time Worker – Same Wages and Hours  
Iowa Code § 96.4-3 – Able and Available  
Iowa Code § 96.7(2)A(2) – Partial Benefits  
Iowa Code § 96.19(38) – Total and Partial Unemployment

**STATEMENT OF THE CASE:**

Employer filed an appeal from a decision of a representative dated March 23, 2021, reference 01, which held claimant able and available for work. After due notice, a hearing was scheduled for and held on June 25, 2021. Claimant participated personally. Employer participated by Amih Sallah.

**ISSUES:**

Whether claimant is still employed at the same hours and wages?

Whether claimant is eligible to receive partial benefits?

Whether claimant is able and available for work?

**FINDINGS OF FACT:**

The claimant currently works for Whirlpool Corp, a base period employer, full time under the same terms and conditions as contemplated in the original contract of hire. Claimant works as a full time assembler.

On multiple occasions in 2020 claimant was off from work and filed for unemployment benefits. For the week ending April 4, 2020 claimant was asked to stay away from work by employer. Employer had a Covid concern. Claimant was never tested for Covid and employer had no statement as to claimant ever having symptoms. These same circumstances were true when claimant was off from work from June 7-20, 2020.

For the week ending April 25, 2020 claimant only worked part of the week. For the week ending May 2, 2020 claimant did not work at all. During both of these weeks, employer shut down the plant where claimant worked.

There is no showing that claimant was not able and available for work at all times relevant.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the claimant was temporarily unemployed for each of the weeks when she filed for benefits.

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".

Iowa Code section 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.

c. An individual shall be deemed temporarily unemployed if for a period, verified by the department, not to exceed four consecutive weeks, the individual is unemployed due to a plant shutdown, vacation, inventory, lack of work or emergency from the individual's regular job or trade in which the individual worked full-time and will again work full-time, if the individual's employment, although temporarily suspended, has not been terminated.

Because the claimant missed work during multiple weeks at the request of the claimant and because there has been no showing that claimant was not able and available for work during each of those weeks when she filed for benefits, claimant is considered temporarily unemployed for each week she filed for benefits unemployed. Benefits are allowed.

**DECISION:**

The March 23, 2021, reference 01, decision is affirmed. The claimant was temporarily unemployed for each of the weeks she filed for benefits, and benefits are allowed, provided claimant is otherwise eligible.



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Blair A. Bennett  
Administrative Law Judge

July 7, 2021  
Decision Dated and Mailed

bab/mh