

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

GALE M METIVIER
Claimant

STEENA CO LLC
Employer

APPEAL 20A-UI-09010-AD-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 05/03/20
Claimant: Appellant (1)

Iowa Code section 96.4(3) – Able to and Available for Work

STATEMENT OF THE CASE:

On July 27, 2020, Gale Metivier (claimant/appellant) filed an appeal from the July 23, 2020 (reference 01) unemployment insurance decision that denied benefits as of May 3, 2020 based on a finding claimant was limiting her availability due to having not made adequate arrangements for child care.

A telephone hearing was held on September 14, 2020. The parties were properly notified of the hearing. The claimant participated personally. Steena Co LLC (employer/respondent) participated by Office Manager Toby Johnson.

Official notice was taken of the administrative record.

ISSUES:

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's first day of employment was December 30, 2018. Claimant is employed by employer as a part-time crew person. Claimant changed her availability beginning March 21, 2020. Before this time she was available weekdays and Saturdays and typically worked from 9:30 a.m. to 3 p.m. on weekdays and for another five hours on Saturdays. After March 21, 2020, she was only available on Saturdays. This was because claimant had to stay home to care for her children due to schools closing. Claimant was unable to find daycare for her children during this time. Claimant's availability increased to Tuesdays, Fridays, Saturdays, and every other Wednesday beginning August 25, when her children returned to school part-time. There are additional hours available for claimant if she was available to work them.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the July 23, 2020 (reference 01) unemployment insurance decision that denied benefits as of May 3, 2020 based on a finding claimant was limiting her availability due to having not made adequate arrangements for child care is AFFIRMED.

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".

Claimant has limited her availability for work due to a lack of childcare. While claimant's availability has increased recently, she is still not available during times when work is typically performed. She is therefore still unduly limiting her availability and is ineligible for benefits.

While this decision denies regular, state benefits, the evidence indicates claimant may be eligible for federal Pandemic Unemployment Assistance (PUA). Further information on PUA, including how to apply, is set forth below.

DECISION:

The July 23, 2020 (reference 01) unemployment insurance decision that denied benefits as of May 3, 2020 is AFFIRMED. Claimant is not eligible for benefits.



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

September 15, 2020
Decision Dated and Mailed

abd/scn

Note to Claimant:

If you disagree with this decision, you may file an appeal with the Employment Appeal Board by following the instructions on the first page of this decision. If this decision denies benefits, you may be responsible for paying back benefits already received.

Individuals who are disqualified from or are otherwise ineligible for **regular** unemployment insurance benefits but who are unemployed for reasons related to COVID-19 may qualify for Pandemic Unemployment Assistance (PUA). **You will need to apply for PUA to determine your eligibility.** Additional information on how to apply for PUA can be found at <https://www.iowaworkforcedevelopment.gov/pua-information>.