

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

AUDREY M TEGELER
Claimant

CEDAR RAPIDS ST PIUS X
Employer

APPEAL 21A-UI-04792-LJ-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 04/26/20
Claimant: Respondent (3)

Iowa Code § 96.19(38) – Total, Partial, and Temporary Unemployment
Iowa Code § 96.4(3) – Ability to and Availability for Work
Iowa Code § 96.7(2)a(2) – Employer Contributions and Reimbursements

STATEMENT OF THE CASE:

On February 4, 2021, employer Cedar Rapids—St. Pius X filed an appeal on behalf of claimant Audrey Tegeler from the January 26, 2021 (reference 01) unemployment insurance decision that denied benefits effective April 26, 2020, based upon a determination that claimant was still employed at the same hours and wages and was therefore ineligible for benefits. Due and proper notice was issued for a hearing scheduled for 2:00 p.m. on Tuesday, April 13, 2021. However, after reviewing both the employer's appeal and the administrative record, the administrative law judge was able to resolve the matter without the need for a hearing.

ISSUE:

Is the claimant totally or partially unemployed April 26, 2020?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant worked for the employer as an employee at Cedar Rapids—St. Pius X. Beginning April 10, 2020, claimant was working limited hours to the COVID-19 pandemic. Governor Reynolds had issued a proclamation closing K-12 schools in Iowa, and there was limited work available for claimant once the school was closed. Claimant returned to fully paid status on Wednesday, May 6, 2020.

Claimant did not file any weekly continued claims for benefits since opening her claim in April 2020.

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 claimant was partially unemployed due to the pandemic effective April 26, 2020, for the one week ending May 2, 2020. The underlying decision is modified in favor of the claimant.

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 partially unemployed for the week ending May 2, 2020. Claimant worked less than a full-time schedule that week, and she may have earned less than her weekly benefit amount plus fifteen dollars during that one week. This partial unemployment was a result of Governor Reynolds closing Iowa's K-12 schools due to the COVID-19 pandemic. Benefits are allowed for that week, provided she is otherwise eligible.

The administrative law judge notes that claimant Audrey Tegeler failed to file any weekly continued claim for benefits for the week ending May 2, 2020. Therefore, this matter is moot.

DECISION:

The January 26, 2021, (reference 01) unemployment insurance decision is modified in favor of claimant/respondent. Claimant was partially unemployed due to the pandemic effective April 26, 2020, for the one week ending May 2, 2020. Benefits are allowed, provided claimant is otherwise eligible.



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

April 16, 2021
Decision Dated and Mailed

lj/ol