

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

JESSE W FRIELDS
Claimant

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

APPEAL NO. 20R-UI-05523-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 11/24/19
Claimant: Appellant (2)**

Iowa Code Section 96.4(3) – Able & Available

STATEMENT OF THE CASE:

Jesse Frields filed a timely appeal from the March 23, 2020, reference 02, decision that denied benefits for the week that ended March 7, 2020, based on his weekly claim report that he was not able to work and/or not available for work that week. After due notice was issued, a hearing was held on July 10, 2020. Mr. Frields participated. The hearing in this matter was consolidated with the hearing in Appeal Number 20R-UI-05524-JTT. Exhibit A was received into evidence. The administrative law judge took official notice of the following Agency administrative records: KCCO, DBRO, KPYX and KFFV.

ISSUES:

Whether the claimant was able to work and available for work during the benefit week that ended March 7, 2020.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Jesse Frields is a construction electrician apprentice and is a member of the IBEW Local 145 out of Rock Island. In light of his apprentice status, Mr. Frields get work through the union's training center, not through the business agency. Mr. Frields was laid off from a job in January 2020. When Mr. Frields made his claim for the week that ended March 7, 2020, he rushed through the process and made an error by erroneously reporting that he was not able to work or available for work. Iowa Workforce Development mailed \$500.00 in regular benefits to Mr. Frields for the week that ended March 7, 2020. Mr. Frields returned to work and discontinued his claim for benefits following the week that ended March 7, 2020. Mr. Frields received the notice of fact-finding interview that Iowa Workforce Development mailed to him on March 16, 2020. The notice set the fact-finding interview for 11:10 a.m. on March 20, 2020. At 8:44 a.m. on March 20, 2020, Mr. Frields sent an email message to uicclaimshelp@iwd.iowa.gov to give notice that he could not participate in the fact-finding interview as scheduled because he was at work. Mr. Frields was not allowed to have his phone on his person at work. Mr. Frields explained in his email message that he had made an error in the weekly claim by indicating that he was not able to work and available for work. The deputy who held the fact-finding interview had not received the email at that the time of the scheduled fact-finding interview and,

therefore, entered a decision that denied benefits effective March 15, 2020. There were no weekly claims for the period of March 8, 2020 through April 25, 2020. Mr. Fields filed an additional claim for benefit that was effective April 26, 2020 and recommenced making weekly claims.

REASONING AND CONCLUSIONS OF LAW:

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 Admin. Code r. 871-24.22(2) provides:

Benefits eligibility conditions. For an individual to be eligible to receive benefits the department must find that the individual is able to work, available for work, and earnestly and actively seeking work. The individual bears the burden of establishing that the individual is able to work, available for work, and earnestly and actively seeking work.

(2) Available for work. The availability requirement is satisfied when an individual is willing, able, and ready to accept suitable work which the individual does not have good cause to refuse, that is, the individual is genuinely attached to the labor market. Since, under unemployment insurance laws, it is the availability of an individual that is required to be tested, the labor market must be described in terms of the individual. A labor market for an individual means a market for the type of service which the individual offers in the geographical area in which the individual offers the service. Market in that sense does not mean that job vacancies must exist; the purpose of unemployment insurance is to compensate for lack of job vacancies. It means only that the type of services which an individual is offering is generally performed in the geographical area in which the individual is offering the services.

Iowa Administrative Code section 24.22(3)(c) provides as follows:

c. Union and professional employees. Members of unions or professional organizations who normally obtain their employment through union or professional organizations are considered as earnestly and actively seeking work if they maintain active contact with the union's business agent or with the placement officer in the professional organization. A paid-up membership must be maintained if this is a requirement for placement service. The trade, profession or union to which the individual belongs must have an active hiring hall or placement facility, and the trade, profession or union must be the source

customarily used by employers in filling their job openings. Registering with the individual's union hiring or placement facility is sufficient except that whenever all benefit rights to regular benefits are exhausted and Iowa is in an extended benefit period or similar program such as the federal supplemental compensation program, individuals must also actively search for work; mere registration at a union or reporting to union hiring hall or registration with a placement facility of the individual's professional organization does not satisfy the extended benefit systematic and sustained effort to find work, and additional work contacts must be made.

The evidence in the record establishes that Mr. Fields was indeed able to work and available for work during the week that ended March 7, 2020, and merely made a mistake when he made his weekly claim. At the time in question, Mr. Fields was a union apprentice in good standing, was obligated to obtain employment through the union local training center, and was in appropriate contact with the training center for placement in new employment. Mr. Fields is eligible for benefits for the week that ended March 7, 2020, provided he is otherwise eligible.

DECISION:

The March 23, 2020, reference 02, decision is reversed. The claimant was able to work and available for work during the week that ended March 7, 2020 and is eligible for benefits for that week, provided he meets all other eligibility requirements.



James E. Timberland
Administrative Law Judge

July 17, 2020
Decision Dated and Mailed

jet/scn