

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

REGINA D CRAWFORD
Claimant

APPEAL NO: 20A-UI-06449-JE-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

SEDGWICK CLAIMS MANAGEMENT SERVI
Employer

OC: 04/12/20
Claimant: Appellant (1R)

Section 96.4-3 – Able and Available for Work
Section 96.4-3 – Same Hours and Wages

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the June 15, 2020, reference 02, decision that denied benefits. After due notice was issued, a hearing was held by telephone conference call before Administrative Law Judge Julie Elder on July 23, 2020. The claimant participated in the hearing. The employer did not respond to the hearing notice and did not participate in the hearing.

ISSUE:

The issue is whether the claimant is still employed with the employer for the same hours and wages as contemplated in the original contract of hire.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed as a full-time disability clerk for Sedgwick Claims Management Services from August 18, 2019 to November 6, 2019. During the claimant's employment with Sedgwick there was no change in her hours or wages.

The claimant left Sedgwick for a job with Wells Fargo November 6, 2019. That issue has not been heard of adjudicated by the Benefits Bureau.

The claimant completed her contract of hire with Wells Fargo December 31, 2019, as she was filling in for an employee on maternity leave. She then worked for Mercy 1 from January 3 through March 27, 2020, before being laid off due to COVID-19. She is now working for Contract Land Staff.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes that the claimant was still employed at the same hours and wages as contemplated in the original contract of hire throughout her employment with Sedgwick.

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. 871-24.23(26) provides:

Availability disqualifications. The following are reasons for a claimant being disqualified for being unavailable for work.

(26) Where a claimant is still employed in a part-time job at the same hours and wages as contemplated in the original contract for hire and is not working on a reduced workweek basis different from the contract for hire, such claimant cannot be considered partially unemployed.

The claimant was hired as a full-time disability clerk. There was a separation from her employment from Sedgwick as the claimant left that position to go to work for Wells Fargo. Prior to that, the claimant was working for this employer at the same hours and wages as contemplated in the original contract of hire. The claimant is disqualified from receiving benefits before her separation from this employer.

The issue of the claimant's separation from employment with Sedgwick has not been heard or adjudicated by the Benefits Bureau. That matter is remanded to the Benefits Bureau for an initial investigation and determination.

DECISION:

The June 15, 2020, reference 02, decision is affirmed. The claimant was still employed at the same hours and wages as in her original contract of hire throughout her employment with Sedgwick and therefore is not qualified for benefits.

REMAND:

The issue of the claimant's separation from this employer is remanded to the Benefits Bureau for an initial investigation and determination.



Julie Elder
Administrative Law Judge

July 30, 2020
Decision Dated and Mailed

je/mh