

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

---

**JOHN FIEDLER**  
Claimant

**APPEAL 22A-UI-06592-DZ-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 12/19/21  
Claimant: Appellant (1)**

---

Iowa Code § 96.4(3) – Able to and available for work  
Iowa Code § 96.19(38) – Total, partial, temporary unemployment  
Iowa Code § 96.1A(37) – Total, partial, temporary unemployment

**STATEMENT OF THE CASE:**

John Fiedler, the claimant/appellant, filed a timely appeal from the March 9, 2022 (reference 01) unemployment insurance (UI) decision that determined he was no longer temporarily unemployed, and required him to seek work and keep a record of his reemployment activities to remain eligible for benefits. A telephone hearing was held on April 25, 2022. The parties were properly notified of the hearing. Mr. Fiedler participated personally. The department did not participate in the hearing. The administrative law judge took official notice was taken of the administrative record.

**ISSUE(S):**

Is Mr. Fiedler able to and available for work?  
Is Mr. Fiedler totally, temporarily, or partially unemployed?

**FINDINGS OF FACT:**

Having reviewed the evidence in the record, the administrative law judge finds: Mr. Fielder has worked for employer Flat-Bed Services, Inc, a base-period employer, for about 19 years. He works as a full-time mechanic. In December 2021, the employer no longer had work available for Mr. Fiedler due to the COVID-19 pandemic. The employer told Mr. Fielder that they will contact him when work is available again. The employer has not yet called Mr. Fiedler to return to work and he has not returned to work.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes as follows:

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 96.1A(37) 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.

Mr. Fiedler became unemployed due to a lack of work beginning December 19, 2021. Mr. Fiedler was temporarily unemployed from December 19, 2021 through January 15, 2022. Mr. Fiedler was no longer temporarily unemployed as of January 16, 2022. This is because under Iowa law a person cannot be temporarily unemployed for more than four consecutive weeks. A person who is temporarily unemployed need not be able to work, available for work, and earnestly and actively seeking work each week to be eligible for benefits.

As of January 16, 2022, the employer has had no work available for Mr. Fiedler, he did not work, and no wages were payable to him. Mr. Fiedler is totally unemployed as of January 16, 2022. A person who is totally unemployed must be able to work, available for work, and earnestly and actively seeking work each week to be eligible for benefits.

**DECISION:**

The March 9, 2022 (reference 01) unemployment insurance decision is AFFIRMED. Mr. Fiedler is totally unemployed as of January 16, 2022. Mr. Fiedler is required to seek work as of March 9, 2022, the date of the reference 01 decision.



---

Daniel Zeno  
Administrative Law Judge  
Iowa Workforce Development  
Unemployment Insurance Appeals Bureau  
1000 East Grand Avenue  
Des Moines, Iowa 50319-0209  
Fax 515-478-3528

May 11, 2022  
Decision Dated and Mailed

dz/mh