

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

68-0157 (9-06) - 3091078 - EI

SCOTT P GOLDEN

Claimant

APPEAL NO. 20A-UI-03290-B2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

P J IOWA LC

Employer

OC: 03/22/20

Claimant: Respondent (1R)

Iowa Admin. Code r. 871-24.23(26) – Part-Time Worker – Same Wages and Hours

Iowa Code § 96.4-3 – Able and Available

Iowa Code § 96.7(2)A(2) – Partial Benefits

Iowa Code § 96.19(38) – Total and Partial Unemployment

Iowa Code § 96.3(7) – Recovery of Benefit Overpayment

Federal Law PL 116-136 Sec. 2104 – Recovery of Overpayment of Federal Benefit

STATEMENT OF THE CASE:

Employer filed an appeal from a decision of a representative dated April 14, 2020, reference 01, which held claimant able and available for work. After due notice, a hearing was scheduled for and held on May 13, 2020. Claimant participated personally. Employer participated by Angela Mason.

ISSUES:

Whether claimant is still employed at the same hours and wages?

Whether claimant is eligible to receive partial benefits?

Whether claimant is able and available for work?

Was the claimant overpaid state and/or federal benefits?

FINDINGS OF FACT:

The claimant currently works for PJ Iowa, a base period employer under the same terms and conditions as contemplated in the original contract of hire. During the week of March 23-29, 2020 claimant was requested to self-isolate as he'd been in contact with a person who'd contracted Covid 19 virus. Claimant stayed away from work for that period of time and then returned to work.

The administrative law judge took notice that claimant was paid a state benefit of \$207.00 for the benefit week ending March 28, 2020. Claimant has received no federal unemployment benefits.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant was temporarily unemployed for the week of March 22-28, 2020.

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 96.19(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.

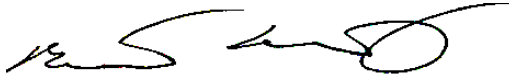
(2) The individual, having been separated from the individual's regular job, earns at odd jobs less than the individual's weekly benefit amount plus fifteen dollars.

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.

Because the claimant missed a week of work based on Covid-related reasons, he is deemed partially unemployed for the week of March 22-28, 2020. Benefits are allowed. As the issue was Covid-related, this matter is remanded to the Tax Bureau for a determination on the allocation of charges.

DECISION:

The April 14, 2020, reference 01, decision is affirmed. The claimant is eligible for the receipt of benefits for the one week period of March 22-28, 2020, provided claimant is otherwise eligible. This matter is remanded to the Tax Bureau for a determination on the allocation of charges.



Blair A. Bennett
Administrative Law Judge

May 15, 2020
Decision Dated and Mailed

bab/scn