

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**JACOB R CHASE**

Claimant

**APPEAL 22A-UI-04912-AD-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**TRI CITY ELECTRIC CO OF IOWA**

Employer

**OC: 01/23/22**

**Claimant: Appellant (1)**

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Iowa Code § 96.1A(37) – Total, partial unemployment

Iowa Code § 96.4(3) – Eligibility – A&A – Able to, available for, work search

Iowa Admin. Code r. 871-24.23(26) – Eligibility – A&A – Part-time same hours, wages

Iowa Code § 96.7(2)a(2) – Charges – Same base period employment

**STATEMENT OF THE CASE:**

On February 18, 2022, Jacob Chase (claimant/appellant) filed a timely appeal from the Iowa Workforce Development (“IWD”) decision dated February 14, 2022 (reference 01) that determined claimant was ineligible for unemployment insurance benefits from January 23 through January 29, 2022.

A telephone hearing was held on March 31, 2022. The parties were properly notified of the hearing. Claimant participated personally. Tri City Electric Co of Iowa (employer/respondent) participated by HR and Safety Coordinator Nicole Leyendecker. Official notice was taken of the administrative record.

**ISSUE(S):**

- I. Is the claimant totally, partially, or temporarily unemployed?
- II. Is the claimant able to and available for work?
- III. Is the claimant still employed at the same hours and wages? Is the employer’s account subject to charge?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds:

Claimant began working for employer on January 7, 2019. Claimant is still employed by employer in a full-time apprentice wireman position. Claimant is required to attend periodic week-long trainings as part of his apprenticeship. He knew when he began the apprenticeship that he would be required to attend such trainings to maintain the apprenticeship; that employer would allow him to be absent from work to attend the trainings; and that he would not be paid by employer for the trainings. Employer allowed claimant to be absent from work for the week ending January 29,

2022 so he could attend such a training. Claimant filed a claim for unemployment insurance benefits in that week. There was work available for claimant had he not been in training during that week.

### **REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the decision dated February 14, 2022 (reference 01) that determined claimant was ineligible for unemployment insurance benefits from January 23 through January 29, 2022 is AFFIRMED.

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.

Claimant was not totally, partially, or temporarily unemployed during the week he filed for benefits. He was not separated from employer, he was not partially unemployed, and he was not unemployed due to a plant shutdown, lack of work, or any of the other listed reasons.

Furthermore, claimant was aware when he took the apprentice position that he was required to periodically attend unpaid week-long trainings in order to maintain his apprenticeship. In so doing, claimant chose to make himself unavailable for work during those weeks and is essentially asking employer to grant him a leave of absence during those weeks to attend the training. Employer does so even though work is available. An individual who is unavailable for work is not eligible for benefits during the period of unavailability.

**DECISION:**

The decision dated February 14, 2022 (reference 01) that determined claimant was ineligible for unemployment insurance benefits from January 23 through January 29, 2022 is AFFIRMED.



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Andrew B. Duffelmeyer  
Administrative Law Judge

April 6, 2022  
Decision Dated and Mailed

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