

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**STEPHANIE F BURNSIDE**  
Claimant

**APPEAL 20A-UI-12565-CL-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**AT&T MOBILITY SERVICES LLC**  
Employer

**OC: 03/22/20  
Claimant: Appellant (2R)**

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Iowa Code § 96.4(3) – Ability to and Availability for Work  
Iowa Admin. Code r. 871-24.23(26) – Able & Available – Availability Disqualifications  
Iowa Code § 96.19(38)a & b – Total and Partial Unemployment  
Iowa Code § 96.7(2)a(2) – Same Base Period Employment

**STATEMENT OF THE CASE:**

On October 9, 2020, the claimant filed an appeal from the October 6, 2020, (reference 02) unemployment insurance decision that denied benefits. The parties were properly notified about the hearing. A telephone hearing was held on December 10, 2020. Claimant participated. Employer did not have a witness available and did not participate.

**ISSUES:**

Is the claimant totally, partially, or temporarily unemployed?  
Is the claimant able to and available for work?  
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 October 15, 2018. Claimant last worked as a full-time customer service/sales representative.

In March 2020, the United States declared a public health emergency due to the COVID 19 pandemic. After the pandemic began, employer shifted its workforce home. Claimant was working from home until May 23, 2020, when she began having problems with her employer-issued computer equipment. Claimant reported the problems numerous times to employer's IT department, but they were not resolved. Claimant was not allowed to come into the office and work. Therefore, she was totally unemployed until she was able to resume employment during the week ending June 27, 2020, when she started working on a part-time to a full-time basis to the extent possible.

Employer later terminated claimant on July 21, 2020. The Benefits Bureau of Iowa Workforce Development has not yet made a determination on whether that separation from employment disqualifies claimant from receiving unemployment insurance benefits.

**REASONING AND CONCLUSIONS OF LAW:**

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.

In order to receive regular unemployment insurance benefits under Chapter 96 of the Iowa Code, a totally unemployed claimant must establish he or she is able to and available for work. Iowa Code § 96.4(3).

In this case, the claimant was totally unemployed beginning May 23, 2020. So the issue is whether claimant is able to and available for work.

Here, claimant was able to available for work. The issue was employer did not provide equipment that worked for claimant or provide solutions that would have allowed claimant to continue working. Claimant was not allowed to come into the office. Claimant continued working as soon and as much as she was able to do so, given the equipment that she had, even when she began working part-time to full-time hours again.

Claimant was unemployed through no fault of her own and benefits are allowed effective May 23, 2020.

The issue of whether claimant is eligible for benefits after she was separated from employment on July 21, 2020, is remanded to the Benefits Bureau of Iowa Workforce Development.

**DECISION:**

The October 6, 2020, (reference 02) unemployment insurance decision is reversed. Claimant is able to and available for work effective May 23, 2020. Benefits are allowed, provided claimant is otherwise eligible.

**REMAND:**

The issue of whether claimant is eligible for benefits after she was separated from employment on July 21, 2020, is remanded to the Benefits Bureau of Iowa Workforce Development.



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Christine A. Louis  
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December 18, 2020  
Decision Dated and Mailed

cal/scn