

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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

SARAH C SCHAUF
Claimant

APPEAL NO. 19A-UCFE-00010-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

USDA/EQUIFAX
Employer

OC: 12/30/18
Claimant: Appellant (5)

Iowa Code section 96.4(3) – Able & Available
Iowa Code Section 96.19(38)(b) – Partial Unemployment

STATEMENT OF THE CASE:

Sarah Schauf filed a timely appeal from the February 11, 2019, reference 01, decision that denied benefits effective December 30, 2018, based on the deputy's conclusion that Ms. Schauf was not partially unemployed within the meaning of the law. After due notice was issued, a hearing was held on March 5, 2019. Ms. Schauf participated. The employer did comply with the hearing notice instructions to register a telephone number for the hearing and did not participate. The hearing in this matter was consolidated with the hearing in Appeal Number 19A-UCFE-00011-JTT. Exhibit A and Department Exhibits D-1 through D-4 were received into evidence.

ISSUES:

Whether Ms. Schauf was able to work and available for work during the two-week period of December 30, 2018 through January 12, 2019.

Whether Ms. Schauf was partially unemployed during the two-week period of December 30, 2018 through January 12, 2019.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Sarah Schauf is employed by the United States Department of Agriculture as a full-time Supervisor Contract Specialist at the National Animal Disease Laboratory in Ames. Ms. Schauf's annual salary is \$90,000.00, which amounts to weekly wages of \$1730.77. Ms. Schauf was temporarily furloughed from her job in connection with the partial federal government shutdown that began on December 23, 2018 and that ended on January 25, 2019. During the period of the shutdown, Ms. Schauf did not receive wages. During the period of the shut-down, Ms. Schauf remained able to work and available for work with the USDA. In addition, Ms. Schauf began to explore other employment opportunities due to the then-indefinite nature of the shutdown. Following the shutdown, Ms. Schauf received full compensation for the missing wages.

Ms. Schauf established an original claim for unemployment insurance benefits that was effective December 30, 2018. Iowa Workforce Development set Ms. Schauf's federal weekly benefit amount at \$485.00. Ms. Schauf received unemployment insurance benefits totaling \$970.00 for the two-week period of December 30, 2018 through January 12, 2019. Ms. Schauf then discontinued her unemployment insurance claim.

REASONING AND CONCLUSIONS OF LAW:

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".

An individual shall be deemed partially unemployed in any week in which, 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. Iowa Code Section 96.19(38)(b).

Ms. Schauf was able to work and available for work with the USDA during the two-week period of December 30, 2018 through January 12, 2019. However, Ms. Schauf is not eligible for unemployment insurance benefits for that period under a theory of partial unemployment because, following the shutdown, she received weekly wages for each week and those wages exceeded her weekly unemployment insurance benefit amount by more than \$15.00.

DECISION:

The February 11, 2019, reference 01, decision is modified as follows. During the two-week period of December 30, 2018 through January 12, 2019, the claimant was able to work, available for work, but not partially unemployed. The claimant is not eligible for benefits for the period of December 30, 2018 through January 12, 2019.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

jet/rvs