

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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

STEVEN L KEISER
Claimant

APPEAL NO. 19A-UI-00595-S1-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

RMB COMPANY INC
Employer

OC: 01/06/19
Claimant: Respondent (1)

Section 96.4-3 – Able and Available
871 IAC 24.1(113)a – Separations From Employment
Section 96.5-1 – Voluntary Leaving - Layoff

STATEMENT OF THE CASE:

RMB Company (employer) appealed a representative's January 17, 2019, decision (reference 01) that concluded Steven Keiser (claimant) was eligible to receive unemployment insurance benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for February 5, 2019. The claimant did not provide a telephone number for the hearing and, therefore, did not participate. The employer participated by Dave Alatalo, Owner President.

ISSUE:

The issue is whether the claimant is able and available for work for the week ending January 12, 2019.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant was hired in 2014, as a full-time heating, ventilation, and air condition technician. The employer and Union Local 125 contribute to a fund so that workers may attend training classes.

The employer authorized the claimant to attend an apprenticeship training class in Cedar Rapids, Iowa, for the week ending January 12, 2019. This class was required for the claimant to achieve journeyman status. During that week the employer did not pay the claimant any wages. The claimant filed for unemployment insurance benefits with an effective date of January 6, 2019. For the week ending January 12, 2019, the claimant received \$529.00 in unemployment insurance benefits. The claimant did not file for benefits in any other week.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant was able and available for work for the week ending January 12, 2019.

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 Admin. Code r. 871-24.1(113)a provides:

Separations. All terminations of employment, generally classifiable as layoffs, quits, discharges, or other separations.

a. Layoffs. A layoff is a suspension from pay status (lasting or expected to last more than seven consecutive calendar days without pay) initiated by the employer without prejudice to the worker for such reasons as: lack of orders, model changeover, termination of seasonal or temporary employment, inventory-taking, introduction of laborsaving devices, plant breakdown, shortage of materials; including temporarily furloughed employees and employees placed on unpaid vacations.

During the week ending January 12, 2019, the claimant was suspended from work status for lack of work orders. When an employer suspends a claimant from work status for a period of time, the separation does not prejudice the claimant. The claimant's separation was attributable to a lack of work by the employer. The claimant is considered able and available for work during this period. Benefits are allowed, provided the claimant is otherwise eligible.

DECISION:

The representative's January 17, 2019, decision (reference 01) is affirmed. The claimant is considered able and available for work for the week ending January 12, 2019. Benefits are allowed, provided the claimant is otherwise eligible.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/rvs