

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**BREENA S BRUGGEMEYER**

Claimant

**APPEAL 21A-UI-08030-S2-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**MOWEN CLEANING SERVICE LLC**

Employer

**OC: 01/10/21**

**Claimant: Respondent (2)**

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

Iowa Code § 96.4(3) – Ability to and Availability for Work

Iowa Admin. Code r. 871-24.23(26) – Availability Disqualifications Same Hours and Wages

Iowa Code § 96.7(2)a(2) – Same Base Period Employment

**STATEMENT OF THE CASE:**

The employer filed an appeal from the March 16, 2021, (reference 01) unemployment insurance decision that allowed benefits. The parties were properly notified of the hearing. A telephone hearing was held on June 1, 2021. Claimant Breena S. Bruggemeyer did not register for the hearing and did not participate. Employer Mowen Cleaning Service, LLC participated through owner Kristi Mowen. The administrative law judge took official notice of the administrative file.

**ISSUES:**

Is the claimant totally, partially, or temporarily unemployed?

Was the claimant able to and available for work effective January 10, 2021?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant has been employed full time as a technician since August 27, 2018.

In December 2020, claimant tested positive for COVID-19. Claimant was absent from work from December 28, 2020 through January 12, 2021. She returned to work on January 13, 2021.

Claimant filed a claim for unemployment insurance benefits for the week ending January 16, 2021. Employer paid claimant wages in the gross amount of \$680.00 for the week. Claimant's weekly benefit amount is \$327.00. Claimant reported no wages for the week and received an unemployment insurance benefit payment in the amount of \$327.00.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes:

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 ending January 16, 2021. Claimant was not working but she received wages from employer. Employer paid claimant gross wages in the amount of \$680.00, much higher than \$15.00 above her weekly benefit amount of \$327.00. Because claimant was not unemployed within the meaning of the law, she is not eligible for benefits. Benefits are denied.

**DECISION:**

The March 16, 2021, (reference 01) unemployment insurance decision is reversed. The claimant is not eligible for benefits effective January 10, 2020. Claimant was paid in an amount higher than her weekly benefit amount plus 15 dollars. Benefits are denied.



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Stephanie Adkisson  
Administrative Law Judge  
Unemployment Insurance Appeals Bureau  
1000 East Grand Avenue  
Des Moines, Iowa 50319-0209  
Fax (515)478-3528

June 14, 2021  
Decision Dated and Mailed

sa/scn

**NOTE TO CLAIMANT:** This decision determines you are not eligible for regular unemployment insurance benefits. If you disagree with this decision you may file an appeal to the Employment Appeal Board by following the instructions on the first page of this decision. Individuals who do not qualify for regular unemployment insurance benefits, but who are currently unemployed for reasons related to COVID-19 may qualify for Pandemic Unemployment Assistance (PUA). **You will need to apply for PUA to determine your eligibility under the program.** Additional information on how to apply for PUA can be found at <https://www.iowaworkforcedevelopment.gov/pua-information>. If this decision becomes final or if you are not eligible for PUA, you may have an overpayment of benefits.