

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**DANETTE R BONTRAGER**  
Claimant

**APPEAL NO: 10A-UI-02023-DT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA STATE UNIVERSITY**  
Employer

**OC: 12/20/09**

**Claimant: Respondent (2)**

Section 96.19-38-b – Eligibility for Partial Unemployment Insurance Benefits  
Section 96.4-3 – Able and Available

**STATEMENT OF THE CASE:**

Iowa State University (employer) appealed a representative's January 28, 2010 decision (reference 01) that concluded Danette R. Bontrager was qualified to receive unemployment insurance benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on March 31, 2010. The claimant participated in the hearing. Mallory Schon appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

**ISSUE:**

Was the claimant partially or temporarily unemployed and therefore eligible for full or partial unemployment insurance benefits for the benefit week ending January 2, 2010?

**FINDINGS OF FACT:**

The claimant started working for the employer on May 27, 2003. She normally works full time year round as an administrative specialist at an annual salary of \$42,266.00, or \$3,522.00 per month.

Due to budget cuts, the employer required the claimant to take four days of unpaid furlough before June 30, 2009. She could either take the four days together or spread them out. However, under the furlough plan, the reduction in pay attributable to the four unpaid furlough days taken is to be spread out over first six months of 2010, not necessarily in the periods in which the furlough is taken.

The claimant took her four furlough days all together on December 28 through December 31. The claimant received her full regular salary for December 2009. The reduction in pay for the furlough days, amounting to \$633.99, will be made spread out over her January through June 2010 paychecks.

**REASONING AND CONCLUSIONS OF LAW:**

The unemployment insurance law provides that a claimant is deemed partially unemployment insurance benefits if she is not employed at her usual hours and wages and earns less than her weekly benefit amount plus \$15.00 in other employment. Iowa Code § 96.19-38-b. While the claimant worked less than her regular full-time workweek during the week ending January 2, her earnings for the week were unaltered; she received her full salary.

This administrative law judge shares the concern of colleagues as voiced in decisions issued in similar cases regarding the equity of the situation, as the claimant would have been eligible for benefits if the employer had deducted the whole amount of pay attributed to the furlough days during the week in which the furlough days were taken. As is, because the pay reduction was spread out after the furlough days were taken, there ends up being no week in which the claimant's earnings are less than her weekly benefit amount plus \$15.00. I am persuaded, however, that this pay reduction allocation was not to manipulate the unemployment system, but instead was to cushion the blow of the reduction by spreading it out.

**DECISION:**

The representative's January 28, 2010 decision (reference 01) is reversed. The claimant is not eligible for unemployment insurance benefits for the week ending January 2, 2010.

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Lynette A. F. Donner  
Administrative Law Judge

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Decision Dated and Mailed

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