

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

LAURA A MC ARDLE
Claimant

APPEAL NO: 09A-UI-10988-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

MERCY HEALTH SERVICES – IOWA CORP
Employer

OC: 06/14/09
Claimant: Appellant (4)

871 IAC 23.43(4) – Supplement Employment/Partial Benefits

STATEMENT OF THE CASE:

Laura A. Mc Ardle (claimant) appealed a representative's July 29, 2009 decision (reference 01) that concluded she was not qualified to receive benefits, and the account of Mercy Health Services – Iowa Corporation (employer) would not be charged because the claimant was still working the same hours that the employer had hired her to work. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on August 17, 2009. The claimant participated in the hearing. The employer did not respond to the hearing notice or participate in the hearing. Based on the evidence, the arguments of the claimant, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Is the claimant eligible to receive partial unemployment insurance benefits?

FINDINGS OF FACT:

The claimant started working for the employer in October 2000. Initially, the claimant worked about 20 hours each week. In August 2008, the claimant asked to reduce her hours because she had a full-time job with another employer, Community Action Agency. The claimant then started working about eight hours a week for the employer.

Community Action Agency temporarily laid off the claimant during the summer months or as of May 29, 2009. The claimant intends to return to work for Community Action Agency. Even though the claimant was temporarily laid off from Community Action Agency, she has continued to work about eight hours a week for the employer.

The claimant established a claim during the week of June 14, 2009, with the intention of filing for partial benefits.

REASONING AND CONCLUSIONS OF LAW:

A claimant who has been separated from her regular employer, but continues working for a part-time, base period employer is eligible to receive partial benefits as long as she receives the same employment from the part-time employer that she had during the base period. The part-time employer's account may be relieved of charges against its account. 871 IAC 23.43(4).

The facts establish the claimant worked full-time for Community Action Agency and part-time for the employer. Even though Community Action Agency temporarily laid off the claimant, she continues to work for the employer the same number of hours she worked during her base period. Under the facts of this case, the employer provides supplemental employment. Therefore, as of June 14, 2009, the claimant is eligible to receive partial unemployment insurance benefits. The employer's account is not subject to charge.

DECISION:

The representative's July 29, 2009 decision (reference 01) is modified in favor of the claimant. The claimant's employment with the employer is considered supplemental employment. As a result, even though she continues to work the same hours that she had been working, the claimant is eligible to receive partial unemployment because she was temporarily laid off from her regular, full-time employment. As of June 14, 2009, the claimant is eligible to receive partial benefits provided she meets all other eligibility requirements. The employer's account will not be charged.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/css