

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JUANA CUEVAS
Claimant

APPEAL NO: 14A-UI-02079-DT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**KIRKWOOD COMMUNITY COLLEGE –
AREA 1**
Employer

OC: 01/12/14

Claimant: Respondent (1)

Section 96.19-38-b – Eligibility for Partial Unemployment Insurance Benefits

STATEMENT OF THE CASE:

Kirkwood Community College – Area 1 (employer) appealed a representative's February 13, 2014 decision (reference 01) that concluded Juana Cuevas (claimant) was qualified to receive unemployment insurance benefits by not being employed in her same hours and wages. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on March 17, 2014. The claimant participated in the hearing. Sheri Hlavacek 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:

Is the claimant employed by the employer for less than her usual hours and wages and eligible for full or partial unemployment insurance benefits?

FINDINGS OF FACT:

The claimant started working for the employer in about August 1999. She works as an adjunct instructor at the employer's Iowa City campus. She usually teaches about two classes a session. Agency records indicate that during the claimant's base period her average weekly wage from the employer for the fourth quarter 2012 and the first and second quarters 2013 was about \$487.00, although the high quarter in her base period, the third quarter 2013, was about \$830.00, presumably from having another class. However, because of a drop in enrollment in the classes taught by the claimant, in January 2014 the classes assigned to the claimant were cancelled; since then she has only worked for the employer on a substitute basis. As a result, she established an unemployment insurance benefit year effective January 12, 2014 and began seeking at least partial unemployment insurance benefits. Her weekly benefit amount was calculated to be \$408.00.

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.

Beginning on or about January 12, 2014, the employer was not providing the claimant with substantially the same employment as it provided during her base period. Consequently, the claimant is qualified to receive partial unemployment insurance benefits upon the filing of her claim effective January 12, 2014, provided she was otherwise eligible. To be eligible for benefits for any particular week, the claimant must file a weekly claim for that week reporting her wages from all employers earned (not paid) for that week; the amount of her eligibility will then be determined pursuant to the formula set out by the statute. 871 IAC 24.52(8); Iowa Code § 96.3-3.

DECISION:

The unemployment insurance decision dated February 13, 2014 (reference 01) is affirmed. The claimant is eligible for partial unemployment insurance benefits effective January 12, 2014, provided she is otherwise qualified.

Lynette A. F. Donner
Administrative Law Judge

Decision Dated and Mailed

ld/pjs