

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JAMIE KIROFF
Claimant

APPEAL NO: 15A-UI-07406-LDT

**ADMINISTRATIVE LAW JUDGE
DECISION**

COUNTRY MEADOWS PLACE LLC
Employer

OC: 05/24/15
Claimant: Appellant (4)

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

STATEMENT OF THE CASE:

Jamie Kiroff (claimant) appealed a representative's June 24, 2015 decision (reference 01) that concluded she was not qualified to receive unemployment insurance benefits in connection with her employment with Country Meadows Place, L.L.C. (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on August 7, 2015. The claimant participated in the hearing. Brittany Schuett appeared as representative on the employer's behalf and presented testimony from one witness, Kim Boyd. This appeal was consolidated for hearing with one related appeal, 15A-UI-07407-LDT. During the hearing, Claimant's Exhibit A was entered into evidence. 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 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 on December 10, 2014. As of February 17, 2015 she worked full time as a universal worker in the employer's Mason City, Iowa assisted living and memory care center, after having been brought into that position by the employer's prior director of nursing.

By April 2015 the employer had a new director of nursing. The employer started cutting the claimant's hours by about the end of April so that she was only working about two shifts per week. As a result, the claimant established a claim for unemployment insurance benefits effective May 24, 2015.

For the benefit week ending May 30 the claimant was scheduled for and worked two shifts totaling 16.63 hours; a portion of this was paid at the higher holiday pay rate (1.5 her regular rate of \$9.25). For the benefit week ending June 6 the claimant was scheduled for and worked

two shifts totaling 16.50 hours. For the benefit week ending June 13 the claimant was scheduled for and worked one shift for 8.22 hours.

On June 15 the claimant was discharged. Another representative's decision issued on July 14, 2014 (reference 03) found that the discharge was for work-connected misconduct. As of the date of the hearing in this matter the claimant had not appealed the July 14 decision.

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. Iowa Code § 96.19-38-b.

Beginning on or by May 24, 2015, the employer was not providing the claimant with substantially the same employment into which she had been placed as of February 17 through the end of April 2015. Consequently, the claimant is qualified to receive partial unemployment insurance benefits upon the filing of her claim effective May 24 through June 13, 2015.

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. Rule 871 IAC 24.52(8); Iowa Code § 96.3-3.

DECISION:

The unemployment insurance decision dated June 24, 2015 (reference 01) is modified in favor of the claimant. The claimant is eligible for partial unemployment insurance benefits for the period of May 24 through June 13, 2015.

Lynette A. F. Donner
Administrative Law Judge

Decision Dated and Mailed

ld/css