

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MISTY R MARTIN
Claimant

APPEAL NO. 13A-UI-04483-VST

**ADMINISTRATIVE LAW JUDGE
DECISION**

OPTIMAE LIFESERVICES INC
Employer

**OC: 03/24/13
Claimant: Appellant (4)**

Iowa Code § 96.4(3) – Able and Available
Iowa Code § 96.19(38)a & b – Total and Partial Unemployment
Iowa Code § 96.7(2)a(2) – Same Base Period Employment
871 IAC 24.22(2)f – Part-Time Worker – Able and Available

STATEMENT OF THE CASE:

The claimant filed an appeal from a representative's decision dated April 12, 2013, reference 01, which held that the claimant was not eligible for unemployment insurance benefits. After due notice, a telephone hearing was held on July 9, 2013. The claimant participated personally. The employer did not respond to the hearing notice and did not participate. The record consists of the testimony of Misty Martin. Official notice is taken of agency records.

ISSUE:

Whether the claimant is eligible for partial unemployment insurance benefits.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony of the witness and having considered all of the evidence in the record, makes the following findings of fact:
The claimant is a part-time employee of the employer, which provides home health care. She began working for the employer in March 2013. Her employment with this employer ended in April 2013. She worked for the part-time employer for approximately one month. The claimant had been previously employed by Temp Associates and was laid off on February 5, 2013.

REASONING AND CONCLUSIONS OF LAW:

The claimant is eligible for partial unemployment insurance benefits. The claimant's employment with this employer is supplemental as there are still quarters with wages from other full-time employers on which she can claim. The claimant's part-time employer is not the primary employer in the base period of the claimant's claim with a date of March 24, 2013. The claimant is partially unemployed and the part-time employer is relieved of benefit charges for the period beginning March 24, 2013.

DECISION:

The April 12, 2013 (reference 01) decision is modified in favor of the appellant. The claimant is partially unemployed and benefits are allowed, provided she is otherwise eligible. The account of the current part-time employer (account number 199312) shall not be charged.

Vicki L. Seeck
Administrative Law Judge

Decision Dated and Mailed

vls/pjs