

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**MOLLY C WOODWARD**

Claimant

**APPEAL NO: 17A-UI-12210-JE-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**SIGNATURE HEALTHCARE LLC**

Employer

**OC: 08/13/17**

**Claimant: Appellant (1)**

Section 96.4-3 – Able and Available for Work

Section 96.4-3 – Same Hours and Wages

**STATEMENT OF THE CASE:**

The claimant filed a timely appeal from the November 16, 2017, reference 03, decision that denied benefits. After due notice was issued, a hearing was held by telephone conference call before Administrative Law Judge Julie Elder on December 18, 2017. The claimant participated in the hearing. Jenny Starman, Recruiter and Scheduler, participated in the hearing on behalf of the employer.

**ISSUE:**

The issue is whether the claimant is still employed with the employer for the same hours and wages as contemplated in the original contract of hire.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was hired as a part-time LPN for Signature Healthcare November 30, 2016. The position is on an “as needed” or PRN basis. The employer never guaranteed the claimant a certain number of hours per week and she continues to be employed in the same capacity with no change in her hours or wages.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes that the claimant is employed at the same hours and wages as contemplated in the original contract of hire.

Iowa Code § 96.4(3) provides:

An unemployed individual shall be eligible to receive benefits with respect to any week only if the department finds that:

3. The individual is able to work, is available for work, and is earnestly and actively seeking work. This subsection is waived if the individual is deemed partially

unemployed, while employed at the individual's regular job, as defined in section 96.19, subsection 38, paragraph "b", unnumbered paragraph (1), or temporarily unemployed as defined in section 96.19, subsection 38, paragraph "c". The work search requirements of this subsection and the disqualification requirement for failure to apply for, or to accept suitable work of section 96.5, subsection 3 are waived if the individual is not disqualified for benefits under section 96.5, subsection 1, paragraph "h".

Iowa Admin. Code r. 871-24.23(26) provides:

Availability disqualifications. The following are reasons for a claimant being disqualified for being unavailable for work.

(26) Where a claimant is still employed in a part-time job at the same hours and wages as contemplated in the original contract for hire and is not working on a reduced workweek basis different from the contract for hire, such claimant cannot be considered partially unemployed.

The claimant was hired as a part-time or PRN LPN. There has been no separation from her part-time employment and the claimant is currently working for this employer at the same hours and wages as contemplated in the original contract of hire. Therefore, the claimant is not eligible for benefits based on her part-time employment.

**DECISION:**

The November 16, 2017, reference 03, decision is affirmed. The claimant is still employed at the same hours and wages as in her original contract of hire and therefore is not eligible for benefits.

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Julie Elder  
Administrative Law Judge

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Decision Dated and Mailed

je/scn