

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

**LAURA L MARTIN**

Claimant

**VENUWORKS OF CEDAR RAPIDS LLC**

Employer

**APPEAL NO. 21A-UI-12951-B2-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 03/14/21**

**Claimant: Respondent (1)**

Iowa Admin. Code r. 871-24.23(26) – Part-Time Worker – Same Wages and Hours

Iowa Code § 96.4-3 – Able and Available

Iowa Code § 96.7(2)A(2) – Partial Benefits

Iowa Code § 96.19(38) – Total and Partial Unemployment

**STATEMENT OF THE CASE:**

Employer filed an appeal from a decision of a representative dated May 17, 2021, reference 01, which held claimant able and available for work. After due notice, a hearing was scheduled for and held on August 3, 2021. Claimant participated personally. Employer participated by Sean Meloy.

**ISSUES:**

Whether claimant is still employed at the same hours and wages?

Whether claimant is eligible to receive partial benefits?

Whether claimant is able and available for work?

**FINDINGS OF FACT:**

The claimant currently works for Venuworks of Cedar Rapids, a base period employer. During 2020 and through the early part of 2021 claimant has been working far fewer hours than she'd worked in her base period. Prior to Covid, claimant was averaging over \$6,000.00 a quarter. Since claimant's filing of her original claim on March 14, 2021 through the last period of her filing for benefits on May 15, 2021 claimant earned less than one thousand dollars over the two month period. Employer stated that there were not the opportunities for claimant and other part time workers to get hours that had been available prior to the pandemic. Claimant stated that she is still available to work hours of the same type that she worked during the pandemic and has stopped filing for benefits since her hours have recently increased.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the claimant is partially unemployed for the period between March 14, 2021 and May 15, 2021.

Iowa Code section 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 Code section 96.19(38) provides:

"Total and partial unemployment".

a. An individual shall be deemed "totally unemployed" in any week with respect to which no wages are payable to the individual and during which the individual performs no services.

b. An individual shall be deemed partially unemployed in any week in which either of the following apply:

(1) While employed at the individual's then regular job, the individual works less than the regular full-time week and in which the individual earns less than the individual's weekly benefit amount plus fifteen dollars.

(2) The individual, having been separated from the individual's regular job, earns at odd jobs less than the individual's weekly benefit amount plus fifteen dollars.

c. An individual shall be deemed temporarily unemployed if for a period, verified by the department, not to exceed four consecutive weeks, the individual is unemployed due to a plant shutdown, vacation, inventory, lack of work or emergency from the individual's regular job or trade in which the individual worked full-time and will again work full-time, if the individual's employment, although temporarily suspended, has not been terminated.

Because the claimant was employed part time for different hours that she'd been working during her base period, claimant is considered partially unemployed. Benefits are allowed.

**DECISION:**

The May 17, 2021, reference 01, decision is affirmed. The claimant is partially unemployed for the period between March 14 and May 15, 2021 and benefits are allowed, provided claimant is otherwise eligible.



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Blair A. Bennett  
Administrative Law Judge

August 6, 2021  
Decision Dated and Mailed

bab/kmj