

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

**BRENDA REASONER**  
Claimant

**CITY OF MURRAY**  
Employer

**APPEAL 21A-UI-16734-SN-T**  
**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 04/25/21**  
**Claimant: Appellant (1)**

Iowa Code § 96.1A(37)a & b – Total and Partial Unemployment  
Iowa Code § 96.7(2)a(2) – Same Base Period Employment  
Iowa Code § 96.4(3) – Ability to and Availability for Work  
Iowa Admin. Code r. 871-23.43(4)a – Supplemental Employment

**STATEMENT OF THE CASE:**

The claimant filed an appeal from the July 26, 2021 (reference 01) unemployment insurance decision that denied benefits. The parties were properly notified about the hearing. A telephone hearing was held on September 22, 2021. The hearing was held jointly with appeal 21A-UI-16733-SN-T. The claimant participated and testified. The employer did not participate. Exhibits A and B were received into evidence. Official notice was taken of the administrative records.

**ISSUES:**

Is the claimant partially unemployed and available for work?  
If so, is the employer's account liable for potential charges?

**FINDINGS OF FACT:**

Having heard the testimony and having reviewed the evidence in the record, the administrative law judge finds:

The claimant started working as a part-time library director for the City of Murray on October 2, 2020. Her hourly rate of pay was \$9.50 when she started working there. Over the course of her short career there, the claimant's pay was raised to \$10.00 per hour. The claimant did not work anywhere else during her employment with the City of Murray. During her term of employment, the claimant has received 20 hours per week, with the exception of holidays.

The claimant's base period for this appeal consists of the following insured wages:

	2020/1	2020/2	2020/3	2020/4	2021/1
City of Murray				2318	2257

## REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant is not partially unemployed because she is receiving the same hours and wages as in her original contract of hire. She does not have other insured wages in her base period to establish a valid claim for this claim year.

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 96.1A(37) 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.

Iowa Code section 96.7(2)a(2)(a), (b), and (c) provides:

2. Contribution rates based on benefit experience.

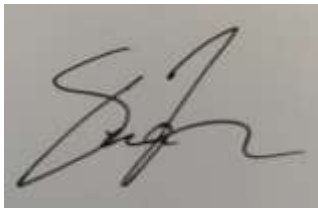
a. (2) The amount of regular benefits plus fifty percent of the amount of extended benefits paid to an eligible individual shall be charged against the account of the employers in the base period in the inverse chronological order in which the employment of the individual occurred.

(a) However, if the individual to whom the benefits are paid is in the employ of a base period employer at the time the individual is receiving the benefits, and the individual is receiving the same employment from the employer that the individual received during the individual's base period, benefits paid to the individual shall not be charged against the account of the employer. This provision applies to both contributory and reimbursable employers, notwithstanding subparagraph (3) and section 96.8, subsection 5.

Because the claimant does not have other base period wages and the level of employment is not consistent with the base period wage history with this employer, she may be considered partially unemployed and this employer may be liable for benefit charges.

**DECISION:**

The July 26, 2021 (reference 01) unemployment insurance decision is affirmed. The claimant is receiving the same hours and wages as in her original contract of hire. She does not have other wages in her base period. The account of the current part-time employer, the City of Murray (account number #101561) shall not be charged. Benefits are denied effective April 25, 2021.



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Sean M. Nelson  
Administrative Law Judge  
Unemployment Insurance Appeals Bureau  
1000 East Grand Avenue  
Des Moines, Iowa 50319-0209  
Fax (515) 725-9067

September 24, 2021  
Decision Dated and Mailed

smn/ol