

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**PAMELA A CHANDLER**  
Claimant

**APPEAL 17A-UI-06927-LJ-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**KINSETH HOTEL CORPORATION**  
Employer

**OC: 11/27/16  
Claimant: Respondent (2)**

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Iowa Code § 96.4(3) – Ability to and Availability for Work  
Iowa Code § 96.19(38)b – Partial Unemployment  
Iowa Code § 96.7(2)a(2) – Same Base Period Employment

**STATEMENT OF THE CASE:**

The employer filed an appeal from the June 30, 2017 (reference 01) unemployment insurance decision that allowed benefits based upon a determination that claimant was partially unemployed and eligible for benefits. The parties were properly notified of the hearing. A telephone hearing was held on July 26, 2017. The claimant, Pamela A. Chandler, did not register a telephone number at which to be reached and did not participate in the hearing. The employer, Kinseth Hotel Corporation, participated through Jennifer Rice, Executive Housekeeper; and Linda Green of Employers Unity represented the employer. The administrative law judge took official notice of the fact-finding documentation and takes official notice of the administrative record and claimant's wage records.

**ISSUE:**

Is the claimant partially unemployed and available for work?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant remains employed as a housekeeper with the employer. She was hired sometime in 2015. Throughout claimant's employment, she has been scheduled five days per week. Claimant begins work at 9:00 a.m. each day and works until the work is completed. The amount of work for employees varies on the volume of business at the property. Claimant has never been guaranteed any set amount of hours. She has voluntarily limited her hours by leaving before the work is complete and by taking off days where work is available.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes claimant is not partially unemployed.

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 Code § 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.

Here, claimant remains employed on the same terms as she began employment. Her wage record does not reflect full-time base-period wages, and her level of employment appears consistent with her wage history with this employer. Therefore, she is not partially unemployed.

**DECISION:**

The June 30, 2017 (reference 01) unemployment insurance decision is reversed. The claimant is not partially unemployed and benefits are denied.

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Elizabeth A. Johnson  
Administrative Law Judge

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Decision Dated and Mailed

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