

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MARY P HOY
Claimant

APPEAL NO. 08A-UI-06233-CT

**ADMINISTRATIVE LAW JUDGE
DECISION**

MERCY MEDICAL CENTER
Employer

OC: 05/25/08 R: 03
Claimant: Appellant (4)

Section 96.4(3) – Able and Available

STATEMENT OF THE CASE:

Mary Hoy filed an appeal from a representative's decision dated June 26, 2008, reference 01, which denied benefits effective May 25, 2008 on a finding that she was on a requested leave of absence. After due notice was issued, a hearing was held by telephone on July 22, 2008. Ms. Hoy participated personally. The employer participated by Jerry Truemper, Director of Human Resources.

ISSUE:

At issue in this matter is whether Ms. Hoy has satisfied the availability requirements of the law since filing her claim effective May 25, 2008.

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having reviewed all of the evidence in the record, the administrative law judge finds: Ms. Hoy has been employed by Mercy Medical Center since October 7, 2002. She was initially employed in medical records but became a medical coder in 2004. As of May of 2008, she was working from home and set her own schedule. Although she was classified as a part-time employee, she was able to work full-time hours. In May of 2008, Ms. Mason advised the employer that she intended to work fewer hours because she was taking care of her mother. It was agreed that she would be working approximately 20 hours each week.

Ms. Hoy filed a claim for job insurance benefits effective May 25, 2008 so that she would have additional income once she reduced the number of hours she was working. She did not intend to reduce her work hours until she knew whether she would receive unemployment benefits. She did not file weekly claims for unemployment immediately after filing her claim. She then filed an additional claim for benefits effective June 15, 2008. She filed an additional claim because of flooding in Cedar Rapids.

Ms. Hoy's work for the hospital was first affected on June 12. Although she was not able to work, she was paid for six hours each day for June 12 and 13. Due to the flooding, there was a period when the hospital had substantially fewer patients than normal. Because Ms. Hoy

worked with lab reports and x-rays, there was a reduction in the amount of work available for her. Therefore, she claimed job insurance benefits for the weeks ending June 28 and July 5.

REASONING AND CONCLUSIONS OF LAW:

When Ms. Hoy filed her claim for job insurance benefits effective May 25, 2008, it was her intent to collect unemployment to augment her income if she reduced her workweek. However, she did not reduce her workweek and did not claim benefits. She reopened her claim effective June 15 solely because of the flooding in her area that impacted the amount of work available for her. It was the employer's contention that it was only obligated to provide Ms. Hoy with 20 hours of work each week because she was a part-time employee. Regardless of her status, the employer had allowed her to work full-time hours throughout the course of her employment.

The administrative law judge concludes that Ms. Hoy should be allowed benefits on her additional claim filed effective June 15, 2008. This conclusion is based on the fact that less work was available to her than in prior weeks. As of July 5, 2008, the conditions that caused the reduction in work were no longer present. It is concluded, therefore, that benefits should be denied as of July 6, 2008. Because the lack of work was not through any fault of either Ms. Hoy or the employer, the employer's account shall not be charged for benefits paid to Ms. Hoy from June 15 through July 5, 2008.

DECISION:

The representative's decision dated June 26, 2008, reference 01, is hereby modified. Ms. Hoy is allowed job insurance benefits from June 15 through July 5, 2008, as she had less work available but remained available to work the same number of hours as previously worked. Benefits are withheld effective July 6, 2008 and until such time as Ms. Hoy is again available for work. Benefits paid to Ms. Hoy as a result of the decision herein shall be charged to the unemployment trust fund rather than to Mercy Medical Center.

Carolyn F. Coleman
Administrative Law Judge

Decision Dated and Mailed

cfc/kjw