

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

---

**BLAYNE W CARTER**  
Claimant

**CENTRAL IOWA HOSPITAL  
CORPORATION**  
Employer

**APPEAL 20A-UI-07782-AD-T**  
**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 03/15/20**  
**Claimant: Appellant (2)**

---

Iowa Code § 96.19(38) – Total, partial unemployment  
Iowa Code § 96.4(3) – Eligibility – A&A – Able to, available for, work search

**STATEMENT OF THE CASE:**

On July 16, 2020, Blayne Carter (claimant/appellant) filed a timely appeal from the Iowa Workforce Development decision dated July 7, 2020 (reference 01) that denied benefits as of March 15, 2020, finding claimant was still employed at the same wages and hours.

A telephone hearing was held on August 14, 2020. The parties were properly notified of the hearing. Claimant participated personally. Central Iowa Hospital Corporation (employer/respondent) participated by HR Business Partner Barb Owca.

Claimant's Exhibits 1 and 2 were admitted. Official notice was taken of the administrative record.

**ISSUE(S):**

- I. Is the claimant totally, partially, or temporarily unemployed?
- II. Is the claimant able to and available for work?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds:

Claimant began working for employer on September 9, 2015. Claimant is still employed by employer. Claimant is employed as a full-time procurement coordinator. Claimant was on an unpaid furlough from April 27 through May 5, 2020. Claimant returned to work on May 6 and worked a partial shift. He worked 18.75 hours the week ending May 9, 2020, earning approximately \$325.00. Claimant's weekly benefit amount is \$449.00. Prior to and after that period, claimant was working his usual full-time schedule at his usual rate. Claimant has not been paid benefits in the current claim year.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the decision dated July 7, 2020 (reference 01) that denied benefits as of March 15, 2020 is REVERSED.

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.

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".

Claimant was totally unemployed in the benefit week ending May 2, 2020, as no wages were payable and he performed no services. He was partially unemployed in the benefit week ending May 9, 2020, as he worked less than the regular full-time week and earned less than his weekly benefit amount plus \$15.00. Claimant was ineligible for benefits prior to and after these two weeks, as he was working his regular full-time hours at those times.

**DECISION:**

The decision dated July 7, 2020 (reference 01) that denied benefits as of March 15, 2020 is REVERSED. Claimant was totally unemployed in the benefit week ending May 2, 2020 and

partially unemployed in the benefit week ending May 9, 2020. Claimant is eligible for benefits those weeks, provided he meets all other eligibility requirements.



---

Andrew B. Duffelmeyer  
Administrative Law Judge  
Unemployment Insurance Appeals Bureau  
1000 East Grand Avenue  
Des Moines, Iowa 50319-0209  
Fax (515) 478-3528

August 24, 2020  
Decision Dated and Mailed

abd/sam