

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

---

**JULIE ROSE**  
Claimant

**APPEAL NO. 18A-UI-05746-JE-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**CATHOLIC HEALTH INITIATIVES - IOWA**  
Employer

**OC: 04/15/18**  
**Claimant: Appellant (1)**

---

Section 96.4-3 – Able and Available for Work  
Section 96.4-3 – Same Hours and Wages

**STATEMENT OF THE CASE:**

The claimant filed a timely appeal from the May 14, 2018, reference 01, decision that denied benefits. After due notice was issued, a hearing was held by telephone conference call before Administrative Law Judge Julie Elder on June 11, 2018. The claimant participated in the hearing. The employer did not participate in the hearing or request a postponement of the hearing, as required by the hearing notice.

**ISSUE:**

The issue is whether the claimant is still employed with the employer for the same hours and wages as contemplated in the original contract of hire.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant separated from her full-time position with this employer, Catholic Health Initiatives, in April 2017. She was hired as a PRN CPR instructor for Catholic Health Initiatives in May 2010, and continues to be employed in that capacity with no change in her hours or wages.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes that the claimant is employed at the same hours and wages as contemplated in the original contract of hire.

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 Admin. Code r. 871-24.23(26) provides:

Availability disqualifications. The following are reasons for a claimant being disqualified for being unavailable for work.

(26) Where a claimant is still employed in a part-time job at the same hours and wages as contemplated in the original contract for hire and is not working on a reduced workweek basis different from the contract for hire, such claimant cannot be considered partially unemployed.

The claimant was hired as a PRN CPR instructor in May 2010. There has been no separation from her PRN employment and the claimant is currently working for this employer at the same hours and wages as contemplated in the original contract of hire. Consequently, the claimant is disqualified from receiving benefits based on her PRN employment.

**DECISION:**

The May 14, 2018, reference 01, decision is affirmed. The claimant is still employed at the same hours and wages as contemplated in her original contract of hire and therefore is not qualified for benefits based on her PRN employment. The employer's account is not subject to charge based on the claimant's PRN employment.

---

Julie Elder  
Administrative Law Judge

---

Decision Dated and Mailed

je/scn