

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**TAMMY M JOHNSON**  
Claimant

**JENNIE EDMUNDSON**  
**MEMORIAL HOSPITAL**  
Employer

**APPEAL 20A-UI-07370-JE-T**  
**ADMINISTRATIVE LAW JUDGE**  
**DECISION**

**OC: 05/24/20**  
**Claimant: Respondent (1)**

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Iowa Code § 96.19(38)a & b – Total and Partial Unemployment  
Iowa Code § 96.4(3) – Ability to and Availability for Work  
Iowa Admin. Code r. 871-24.23(26) – Same Hours and Wages  
PL 116-136 Section 2104 (B) – Federal Pandemic Unemployment Compensation

**STATEMENT OF THE CASE:**

The employer filed a timely appeal from a representative's decision dated June 25, 2020 (reference 01) that determined the claimant was eligible for partial benefits for the one week ending June 6, 2020. After due notice was issued, a hearing was held by telephone conference call on August 7, 2020. The claimant did not respond to the hearing notice and did not participate in the hearing. Kathy Heuwinkel, Human Resources Assistant, participated in the hearing on behalf of the employer.

**ISSUES:**

The issues are whether the claimant is eligible for total or partial unemployment benefits, whether the claimant is still employed at the same hours and wages, whether the claimant is able and available for work, and whether the claimant is eligible for Federal Pandemic Unemployment Compensation.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant was hired as a full-time nursing coordinator for Jennie Edmundson Memorial Hospital on January 8, 1996. Her hours were reduced for the one week ending June 6, 2020, because of a lower patient rate due to COVID-19.

The claimant filed for unemployment insurance benefits with an effective date of May 24, 2020. Her weekly benefit amount was determined to be \$481.00. The claimant has received benefits in the amount of \$145.00 for the one week ending June 6, 2020. She also received \$600.00 in Federal Pandemic Unemployment Compensation for the one week ending June 25, 2020.

**REASONING AND CONCLUSIONS OF LAW:**

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.

In order to receive regular unemployment insurance benefits under Chapter 96 of the Iowa Code, a claimant must establish he or she is able to and available for work. Iowa Code § 96.4(3). The claimant was available to work her regular hours but her hours were reduced because of a lower patient rate during the week of June 6, 2020. Therefore, the claimant is eligible for partial benefits the week ending June 6, 2020.

**DECISION:**

The June 25, 2020. (reference 01) unemployment insurance decision is affirmed. The claimant was partially unemployed for the one week ending June 6, 2020.



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Julie Elder  
Administrative Law Judge  
Unemployment Insurance Appeals Bureau  
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August 17, 2020  
Decision Dated and Mailed

je/sam