

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**LEANNA M HOLETON**  
Claimant

**APPEAL 18A-UI-00980-LJ-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**MAHARISHI WORLD PEACE**  
Employer

**OC: 12/10/17  
Claimant: Appellant (4)**

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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) – Availability Disqualifications Same Hours and Wages  
Iowa Code § 96.7(2)a(2) – Same Base Period Employment

**STATEMENT OF THE CASE:**

The claimant filed an appeal from the January 11, 2018, (reference 01) unemployment insurance decision that denied benefits based upon a determination that claimant was still employed. The parties were properly notified of the hearing. A telephone hearing was held on February 14, 2018. The claimant, Leanna M. HOLETON, participated. The employer, Maharishi World Peace, participated through Maureen Wynne, President.

**ISSUES:**

Is claimant totally unemployed effective December 10, 2017?  
Is claimant partially unemployed effective December 10, 2017?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was employed full-time, most recently as a greenhouse worker, beginning in early 2017. On December 24, 2017, the employer placed claimant and her co-workers on a partial layoff due to the cold weather. Claimant has worked two hours since this layoff began. Prior to the layoff, claimant worked between 35 and 40 hours each week, and she was considered a full-time employee. Claimant recently had another fact-finding interview with Iowa Workforce Development. As a result of this fact-finding interview, the agency issued a decision dated December 10, 2017, (reference 02) finding claimant is on a short-term layoff and is available for work.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes claimant is totally unemployed for the two weeks ending December 30, 2017, and January 6, 2018. Claimant is partially unemployed for the one-week period ending January 13, 2018. Thereafter, claimant is totally unemployed effective January 14, 2018.

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.

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.

Under Iowa Employment Security Law, an individual must be totally or partially unemployed to be eligible for benefits. Iowa Code § 96.19(38). Total unemployment is when someone has

received no wages and performed no services during any given week. *Id.* . In order to be partially unemployed, an individual must be laid off from full-time employment or working less than his or her regular full-time work week. *Id.* Prior to December 24, claimant was a full-time employee for the employer. She was neither totally nor partially unemployed for the weeks ending December 16, 2017, and December 23, 2017. Since December 24, 2017, claimant has worked a total of two hours for the employer. The administrative record indicates that claimant worked and reported wages for the one-week period ending January 13, 2018, indicating that was the one week where claimant worked her two hours. Claimant has not filed any claims for benefits for any other weeks. The administrative law judge concludes that claimant is properly considered to be totally unemployed for the weeks ending December 30, 2017 and January 6, 2018, and partially unemployed for the one-week period ending January 13, 2018. Thereafter, claimant is totally unemployed effective January 14, 2018.

**DECISION:**

The January 11, 2018, (reference 01) unemployment insurance decision is modified in favor of claimant/appellant. Claimant was not totally or partially unemployed for the weeks ending December 16, 2017, or December 23, 2017. Claimant was totally unemployed for the weeks ending December 30, 2017, and January 6, 2018. Benefits are allowed for those two weeks, provided claimant is otherwise eligible. Claimant was partially unemployed for the one-week period ending January 13, 2018, and benefits are allowed for that week, provided claimant is otherwise eligible. Thereafter, claimant is totally unemployed effective January 14, 2018. Benefits are allowed, provided claimant is otherwise eligible.

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Elizabeth A. Johnson  
Administrative Law Judge

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Decision Dated and Mailed

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