

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**KRISTEN BEIER**  
Claimant

**IOWA PHYSICIANS CLINIC MEDICAL FO**  
Employer

**APPEAL 20A-UI-03442-AW-T  
ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 03/22/20  
Claimant: Appellant (1)**

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Iowa Code § 96.19(38)b – Definitions – Total, partial unemployment  
Iowa Code § 96.4(3) – Eligibility – A&A – Able to, available for, work search  
Iowa Code § 96.7(2)A(2) – Charges – Same base period employment

**STATEMENT OF THE CASE:**

Claimant filed an appeal from the April 20, 2020 (reference 01) unemployment insurance decision that denied benefits. The parties were properly notified of the hearing. A telephone hearing was held on May 15, 2020, at 2:00 p.m. Claimant participated. Employer participated through Marian Klein, Human Resources Business Partner. No exhibits were admitted. Official notice was taken of the administrative record.

**ISSUES:**

Whether claimant is eligible to receive partial benefits.  
Whether the claimant is able to and available for work.  
Whether claimant is still employed at the same hours and wages.  
Whether employer's account is subject to charge.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant began employment with Iowa Physicians Clinic Medical as a full-time x-ray technician in October 2015. Claimant's regular full-time schedule is 36 hours per week. Beginning the first week of April 2020, employer reduced claimant's hours by eight hours per week due to a reduction in business caused by Covid-19. Claimant's hourly wage is \$21.74. Claimant's weekly benefit amount is \$481.00. Claimant filed an original claim for unemployment insurance benefits effective March 22, 2020.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes claimant is not partially unemployed. Benefits are denied.

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".

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 96.7(2)a(2) provides:

2. Contribution rates based on benefit experience.

a. (2) The amount of regular benefits plus fifty percent of the amount of extended benefits paid to an eligible individual shall be charged against the account of the employers in the base period in the inverse chronological order in which the employment of the individual occurred.

(a) However, if the individual to whom the benefits are paid is in the employ of a base period employer at the time the individual is receiving the benefits, and the individual is receiving the same employment from the employer that the individual received during

the individual's base period, benefits paid to the individual shall not be charged against the account of the employer. This provision applies to both contributory and reimbursable employers, notwithstanding subparagraph (3) and section 96.8, subsection 5.

(b) An employer's account shall not be charged with benefits paid to an individual who left the work of the employer voluntarily without good cause attributable to the employer or to an individual who was discharged for misconduct in connection with the individual's employment, or to an individual who failed without good cause, either to apply for available, suitable work or to accept suitable work with that employer, but shall be charged to the unemployment compensation fund. This paragraph applies to both contributory and reimbursable employers, notwithstanding section 96.8, subsection 5.

(c) The amount of benefits paid to an individual, which is solely due to wage credits considered to be in an individual's base period due to the exclusion and substitution of calendar quarters from the individual's base period under section 96.23, shall be charged against the account of the employer responsible for paying the workers' compensation benefits for temporary total disability or during a healing period under section 85.33, section 85.34, subsection 1, or section 85A.17, or responsible for paying indemnity insurance benefits.

Claimant was not unemployed between filing her original claim effective March 22, 2020 and employer reducing her hours on April 1, 2020. To be partially unemployed for any given week, claimant must work less than her regular full-time hours per week (36 hours) and earn less her weekly benefit amount plus \$15.00 (\$496.00). Since April 1, 2020, claimant has not been employed for her regular full-time hours. Claimant has been scheduled for a minimum of 28 hours per week. Claimant's earnings for working 28 hours are \$608.72, which is greater than \$496.00. Because claimant has earned more than her weekly benefit amount plus \$15.00 each week since April 1, 2020, claimant has not been partially unemployed. Inasmuch as employer is offering claimant sufficient hours that she earns more than her weekly benefit amount plus \$15.00, no benefit charges shall be made to its account.

**DECISION:**

The April 20, 2020 (reference 01) unemployment insurance decision is affirmed. Claimant worked her full-time hours from March 22, 2020 until April 1, 2020 and, therefore, was not unemployed for that period of time. While claimant has worked less than her full time hours since April 1, 2020, she has earned more than her weekly benefit amount plus \$15.00. Therefore, claimant is not partially unemployed and benefits are denied effective March 22, 2020. The account of the employer, Iowa Physicians Clinic Medical (account number 320742-000) is not chargeable for the period at issue.



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Adrienne C. Williamson  
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May 19, 2020  
Decision Dated and Mailed

acw/scn