

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

68-0157 (9-06) - 3091078 - EI

ANDREW C CHANDLER
Claimant

APPEAL NO: 07A-UI-06590-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

GLOBAL SPECTRUM LP
Employer

OC: 06/03/07 R: 02
Claimant: Respondent (1)

Section 96.19-38(b) – Partially Unemployed

STATEMENT OF THE CASE:

Global Spectrum (employer) appealed a representative's June 27, 2007 decision (reference 01) that concluded Andrew C. Chandler (claimant) was eligible to receive unemployment insurance benefits, and the employer's account was subject to charge because the claimant was working reduced hours from what he typically worked during his base period. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on July 19, 2007. The claimant participated in the hearing. Katie Johnson, the human resource manager, appeared on the employer's behalf. During the hearing, Employer Exhibit One was offered and admitted as evidence. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Is the claimant working the same hours and wages that he worked during his base period?

FINDINGS OF FACT:

The claimant started working for the employer on October 7, 2005. The claimant works as a part-time building attendant. The claimant understands the employer has more work during the fall and winter months or the busy season. The claimant also realizes the summer months are slower months for the employer which means the employer does not have as much work for the claimant to do. As a part-time, on-call employee during the busy season, the claimant works an average of 23 hours a week and during the slow season he works an average of 12.5 hours a week.

During the claimant's base period he earned an average of \$184.00 per week. The claimant established a claim for unemployment insurance benefits during the week of June 3, 2007. He reported the following weekly wages: weekending June 9 - \$72.00; weekending July 16 - \$104.00; weekending June 23 - \$140.00, weekending June 30 - \$174.00, week ending July 7 - \$272.00, and weekending July 14 - \$272.00. A year ago, the claimant's summer hours were not reduced as they were in 2007.

REASONING AND CONCLUSIONS OF LAW:

A claimant is deemed partially unemployed in any week in which, while employed at the then regular job, the claimant works less than he usually works and earns less than his weekly benefit amount. Iowa Code section 96.19-38(b).

If a claimant is 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, the claimant is not considered partially unemployed. 871 IAC 24.23(26).

The facts show that on an average the claimant earned \$184.00 per week during his base period. (This was obtained by adding his wages, as reported by the employer, for a year and then dividing by 52 weeks.) Even though the employer has a busy and slow season, the claimant works on a regular basis. The claimant established a claim for unemployment insurance benefits during the week of June 3, because he was not getting as many hours as he had a year ago. In reality, the claimant was working a reduced workweek that was different than what he had previously worked or had worked during his base period. Therefore, the claimant is eligible to receive partial unemployment benefits as of June 3, 2007.

DECISION:

The representative's June 27, 2007 decision (reference 01) is affirmed. Since the claimant is or was working a reduced work week, he is eligible to receive partial unemployment insurance benefits as of June 3, 2007. The employee's account may be charged for benefits paid to the claimant.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/pjs