

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**TYLER J BUBSER**

Claimant

**THE UNIVERSITY OF IOWA**

Employer

**APPEAL 20A-UI-08459-S1-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 04/19/20**

**Claimant: Appellant (2)**

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) – Able & Available – Availability Disqualifications  
Iowa Code § 96.7(2)a(2) – Same Base Period Employment

**STATEMENT OF THE CASE:**

Tyler Bubser (claimant) appealed a representative's July 8, 2020, decision (reference 02) that denied benefits based on his employment with The University of Iowa (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on August 28, 2020. The claimant participated personally. The employer participated by Tiffany Bathrick, Senior Benefits Specialist. The administrative law judge took official notice of the administrative file.

**ISSUES:**

The issue is whether the claimant is eligible for total or partial unemployment benefits, still employed at the same hours and wages, whether the claimant is able and available for work and/or whether the employer's account is subject to charge.

**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 on February 13, 2019, as a full-time temporary clerk three. From November 2019, through April 27, 2020, the claimant was working as a part-time temporary clerk at the pediatrics clinic and a part-time permanent clerk at the main hospital. The employer ended the claimant's position as a temporary worker because it believed she reached a 1,040-hour working threshold with the employer. The employer did not realize she was working at the permanent job.

The claimant filed for unemployment insurance benefits with an effective date of April 19, 2020. Her weekly benefit amount (WBA) was determined to be \$438.00. Her WBA plus \$15.00 is \$453.00. The claimant reported her wages and received partial benefits from April 19, 2020, to the week ending June 27, 2020. This is a total of \$1,804.00 in state unemployment insurance benefits after the separation from employment. She also received \$5,400.00 in Federal Pandemic Unemployment Compensation for the nine-week period ending June 27, 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.

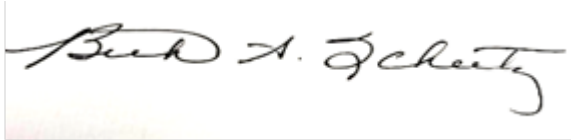
(2) The individual, having been separated from the individual's regular job, earns at odd jobs less than the individual's weekly benefit amount plus fifteen dollars.

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 this case, the claimant worked every week and cannot be considered totally or temporarily unemployed. The issue becomes whether she is partially unemployed. The claimant was working for the employer at two different locations as a clerk three. The employer reduced her hours and wages. With the reduction, the claimant earned less than her weekly benefit amount plus fifteen dollars. The claimant is partially unemployed. Partial benefits are allowed as of April 26, 2020.

**DECISION:**

The July 8, 2020, (reference 02) unemployment insurance decision is reversed. The claimant is partially unemployed. Benefits are allowed as of April 26, 2020.

A handwritten signature in black ink, reading "Beth A. Scheetz", is positioned above a horizontal line.

Beth A. Scheetz  
Administrative Law Judge  
Unemployment Insurance Appeals Bureau  
1000 East Grand Avenue  
Des Moines, Iowa 50319-0209  
Fax (515)478-3528

August 31, 2020  
Decision Dated and Mailed

bas/scn