

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**HOLLIA K ANDERSON**  
Claimant

**APPEAL 21A-UI-06803-S2-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**NORTH UNION COMMUNITY SCHOOL  
DISTRICT**  
Employer

**OC: 04/19/20**  
**Claimant: Appellant (1)**

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 February 25, 2021, (reference 01) unemployment insurance decision that denied benefits based upon a finding that claimant was still employed for the same hours and wages as in her original contract of hire. The parties were properly notified of the hearing. A telephone hearing was held on May 13, 2021. The claimant Hollie K. Anderson participated. The employer North Union Community School District participated through school business official Erin Rogers. No exhibits were admitted. The administrative law judge took official notice of the administrative file.

**ISSUES:**

Is the claimant totally, partially, or temporarily unemployed?  
Was the claimant able to and available for work effective April 19, 2020?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant has been employed full time as a teacher since August 1, 2014.

In March 2020, the United States declared a public health emergency because of the COVID-19 pandemic. The employer closed in-person school per the Governor's Proclamation effective March 16, 2020. The 2019/2020 school year ended May 29, 2020. The claimant was paid her regular wages during the period the school closed. As a teacher, the employer pays the claimant year-round even though she does not work during the summer break. The claimant reported for work for the fall semester on August 18, 2020. Claimant received \$853.52 in gross income each week from the employer during 2020, even when the schools were closed.

The claimant filed her claim for benefits effective April 19, 2020. Her weekly benefit amount is \$518.00. She filed her claim due to a change in her self-employment status. The claimant operates a daycare center which closed its doors for two months due to the Governor's Proclamation.

## REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes that the claimant is not considered unemployed as defined by Iowa law and is not eligible for unemployment insurance benefits.

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.

Under Iowa Employment Security Law, an individual must be unemployed to be eligible for benefits. Iowa Code § 96.19(38). Total and temporary unemployment occur when an individual has received no wages and performed no services during any given week. *Id.* An individual who is totally unemployed has been permanently separated from an employer, whereas, an individual who is temporarily unemployed has not been permanently separated from employment. Here, the claimant performed did not perform services for the employer; however,

she did receive wages. The employer paid the claimant her full wages during the period in which she was filing for unemployment benefits. She was therefore not totally or temporarily unemployed.

The next question is whether she is partially unemployed. In order to be partially unemployed, an individual must be laid off from full-time employment or working less than their regular full-time work week and earn less than their weekly benefit amount plus fifteen dollars in gross wages. *Id.* While the claimant's self-employed business was not operating, she remained employed with the employer where she earned more than \$533.00, which is her weekly benefit amount plus fifteen dollars. Therefore, the claimant is also not partially unemployed. As the claimant is not unemployed as defined by Iowa law, benefits are denied.

**DECISION:**

The February 25, 2021, reference 01, unemployment insurance decision is affirmed. The claimant is not unemployed under Iowa law. Benefits are denied.



---

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

---

May 24, 2021  
Decision Dated and Mailed

sa/ol

**NOTE TO CLAIMANT:**

This decision determines you are not eligible for regular unemployment insurance benefits. If you disagree with this decision you may file an appeal to the Employment Appeal Board by following the instructions on the first page of this decision. Individuals who do not qualify for regular unemployment insurance benefits, but who are currently unemployed for reasons related to COVID-19 may qualify for Pandemic Unemployment Assistance (PUA). **You will need to apply for PUA to determine your eligibility under the program.** Additional information on how to apply for PUA can be found at <https://www.iowaworkforcedevelopment.gov/pua-information>. If this decision becomes final or if you are not eligible for PUA, you may have an overpayment of benefits.