

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**JOHANNES VAN LEEUWEN**  
Claimant

**APPEAL NO. 10A-UI-05049-SWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA STATE UNIVERSITY**  
Employer

**OC: 03/07/10**  
**Claimant: Respondent (2)**

Iowa Code § 96.19-38 – Eligibility for Unemployment Insurance Benefits

**STATEMENT OF THE CASE:**

The employer appealed an unemployment insurance decision dated March 31, 2010, reference 01, that concluded the claimant was on a short-term layoff. A telephone hearing was held on May 19, 2010. The parties were properly notified about the hearing. The claimant failed to participate in the hearing. Greg Bolles participated in the hearing on behalf of the employer.

**ISSUE:**

Is the claimant eligible for unemployment insurance benefits for the week of March 7, 2010?

**FINDINGS OF FACT:**

The claimant has been employed as a professor since December 10, 2002. He is a 12-month employee who is paid a monthly salary for his work.

As a result of Iowa State University budget cuts, the claimant was required to take six furlough days before June 30, 2010. He was allowed to take the six days consecutively or spread them out. Under the furlough plan, the reduction in pay attributable to the furlough days is prorated and deducted equally from each monthly check for first six months of 2010.

The claimant took his six furlough days on March 15, 16, 17, 18, 19, and 20. The reduction in pay for the furlough days will be made on his January through June 2010 monthly paychecks. This method was used to cushion the blow of having to take furlough days over six months.

The claimant filed a new claim for unemployment insurance benefits with an effective date of March 7, 2010. His weekly benefit amount was determined to be \$388.00. The claimant has not filed any weekly claims or received any benefits.

**REASONING AND CONCLUSIONS OF LAW:**

The issue in this case is whether the claimant is eligible for benefits effective March 7, 2010.

Iowa Code § 96.19-38-a & b provide:

"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, 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.

Under this statute, the claimant would not be eligible for unemployment because while he performed no services and worked less than his full-time work week, he was paid wages for the week over his weekly benefit amount plus \$15.00.

I recognize that the claimant would have been eligible for benefits if the University had deducted the whole amount of pay attributed to the furlough days immediately for one week. But because the pay reduction was allocated over six months, there ends up being no week in which the claimant's wages are less than his weekly benefit amount plus \$15.00. I am convinced, however, that this pay reduction allocation was not to manipulate the unemployment system, but instead was to cushion the blow of the reduction by spreading it out.

**DECISION:**

The unemployment insurance decision dated March 31, 2010, reference 01, is reversed. The claimant is denied benefits effective March 7, 2010.

---

Steven A. Wise  
Administrative Law Judge

---

Decision Dated and Mailed

saw/css