

IOWA WORKFORCE DEVELOPMENT  
Unemployment Insurance Appeals Section  
1000 East Grand—Des Moines, Iowa 50319  
DECISION OF THE ADMINISTRATIVE LAW JUDGE  
68-0157 (7-97) – 3091078 - EI

SHERRY L FENN  
413 MAPLE BOX 34  
DESOTO IA 50069

HICKMAN MOTOR LODGE  
6336 HICKMAN RD STE 203  
DES MOINES IA 50322

DAVID WETSCH  
ATTORNEY AT LAW  
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DES MOINES IA 50312-1032

Appeal Number: 05A-UI-04075-CT  
OC: 03/06/05 R: 02  
Claimant: Respondent (1)

**This Decision Shall Become Final**, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4<sup>th</sup> Floor—Lucas Building, Des Moines, Iowa 50319**.

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

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(Administrative Law Judge)

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(Decision Dated & Mailed)

Section 96.4(3) – Able and Available  
Section 96.7(2)a(2) – Relief of Charges

STATEMENT OF THE CASE:

Hickman Motor Lodge filed an appeal from a representative's decision dated April 5, 2005, reference 01, which allowed benefits to Sherry Fenn but denied the employer relief from charges. After due notice was issued, a hearing was held by telephone on May 17, 2005. Ms. Fenn participated personally. The employer participated by Steve Bassman, Owner, and was represented by David Wetsch, Attorney at Law.

#### FINDINGS OF FACT:

Having heard the testimony of the witnesses and having reviewed all the evidence in the record, the administrative law judge finds: Ms. Fenn began working at Hickman Motor Lodge in September of 1995 as a full-time housekeeper. She was working from 35 to 40 hours each week when new owners assumed the business in June of 2003. Ms. Fenn had transferred to a front desk position at the time she began a medical leave in March of 2004.

Ms. Fenn returned to work from her medical leave in June of 2004. At that time, her front desk position was reduced to three days per week for a total of 21 hours. She filed a claim for job insurance benefits effective March 6, 2005 because her hours were reduced. She worked her usual 21 hours during the week ending March 13 but was working only 14.5 hours per week through the week ending April 23, 2005. Ms. Fenn discontinued claiming job insurance benefits when she was restored to 21 hours per week. The only reason given her for the reduction was that business was slow.

#### REASONING AND CONCLUSIONS OF LAW:

At issue in this matter is whether Ms. Fenn is entitled to job insurance benefits on her claim filed effective March 6, 2005. She filed a claim because her hours had been cut by the employer. She was cut from working three days per week to working two days per week. Ms. Fenn had not previously suffered any seasonal reductions in her hours. Because she remained available to work her normal three days per week, Ms. Fenn is entitled to partial job insurance benefits based on the reduction in her workweek initiated by the employer.

The employer is not providing Ms. Fenn with the same level of employment as it did during the base period of her claim. Therefore, pursuant to Iowa Code section 96.7(2)a(2), the employer is not entitled to a relief from charges for the seven weeks for which Ms. Fenn was paid benefits.

#### DECISION:

The representative's decision dated April 5, 2005, reference 01, is hereby affirmed. Ms. Fenn is entitled to partial benefits because of reduced workweeks. The employer's account will be charged for benefits paid as a result of the decision herein.

cfc/pjs