

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

PAIGE HILBY
Claimant

APPEAL 20A-UI-04884-AD-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

DUBUQUE COMMUNITY SCHOOL DIST
Respondent

OC: 03/22/20
Claimant: Respondent (4)

Iowa Code § 96.7(2)a(2)(a) – Still Employed/Chargeability
Iowa Code § 96.4(3) – Able and Available
Iowa Code § 96.19(38) – Total, Partial, Temporary Unemployment

STATEMENT OF THE CASE:

On May 28, 2020, Dubuque Community School District (employer/appellant) filed an appeal from the May 21, 2020 (reference 01) unemployment insurance decision that allowed benefits beginning March 22, 2020.

A telephone hearing was held on June 24, 2020. The parties were properly notified of the hearing. Employer participated by Payroll and Benefits Manager Amy Vandermeulen. Paige Hilby (claimant/respondent) participated personally.

Official notice was taken of the administrative record.

ISSUES:

- I. Is the claimant totally, partially, or temporarily unemployed?
- II. Is the claimant able to and available for work?
- III. Is the claimant still employed at the same wage and hours? Is the employer's account subject to charge?
- IV. Is the claimant eligible for benefits between academic years or terms?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds:

Claimant has been employed by employer as a part-time coach since August 7, 2017. In this position, claimant typically works after school hours during the fall semester. Claimant is still employed in that position.

Claimant has filed for just one week, the benefit week ending April 25, 2020. Claimant reported earning \$150.00 in wages that week. Claimant's weekly benefit amount is \$344.00.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the May 21, 2020 (reference 01) unemployment insurance decision is MODIFIED in favor of appellant. Benefits are allowed beginning the benefit week ending March 28, 2020, provided claimant is not otherwise disqualified or ineligible for benefits. Employer's account is not subject to charge.

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.

Iowa Code section 96.7(2)a(2)(a), (b), and (c) provides:

2. Contribution rates based on benefit experience.

a. (2) The amount of regular benefits plus fifty percent of the amount of extended benefits paid to an eligible individual shall be charged against the account of the employers in the base period in the inverse chronological order in which the employment of the individual occurred.

(a) However, if the individual to whom the benefits are paid is in the employ of a base period employer at the time the individual is receiving the benefits, and the individual is receiving the same employment from the employer that the individual received during the individual's base period, benefits paid to the individual shall not be charged against the account of the employer. This provision applies to both contributory and reimbursable employers, notwithstanding subparagraph (3) and section 96.8, subsection 5.

The unemployment insurance system show claimant has filed for just one week, the benefit week ending April 25, 2020. Claimant reported earning \$150.00 in wages that week. Claimant's weekly benefit amount is \$344.00. Because claimant reported wages less than her weekly benefit amount plus \$15.00 for that week, she was partially unemployed that week.

Claimant is receiving the same employment from employer as during the base period, as claimant has been in the seasonal, part-time coaching position since August 2017. As such, benefits paid to claimant shall not be charged against employer's account.

The other issues noticed need not be addressed.

DECISION:

The May 21, 2020 (reference 01) unemployment insurance decision is MODIFIED in favor of appellant. Benefits are allowed beginning the benefit week ending March 28, 2020, provided claimant is not otherwise disqualified or ineligible for benefits. Employer's account is not subject to charge.



Andrew B. Duffelmeyer
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July 6, 2020
Decision Dated and Mailed

abd/scn