

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**ASHLEY M PRETTYMAN**  
Claimant

**APPEAL 21A-UI-00935-JC-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**CENTRAL IOWA HOSPITAL CORP**  
Employer

**OC: 04/05/20**  
**Claimant: Appellant (4)**

Iowa Code § 96.4(3) – Able to and Available for Work  
Iowa Code § 96.19(38)a & b – Total and Partial Unemployment  
Iowa Admin. Code r. 871-24.23(26) – Able & Available – Availability Disqualifications  
Iowa Code § 96.7(2)a(2) – Same Base Period Employment  
Iowa Code § 96.5(1)a – Voluntary Quitting – Other Employment

**STATEMENT OF THE CASE:**

The claimant/appellant, Ashley M. Prettyman, filed an appeal from the December 4, 2020 (reference 01) Iowa Workforce Development (“IWD”) unemployment insurance decision that denied benefits. The parties were properly notified about the hearing. A telephone hearing was held on February 12, 2021. The claimant, Ashley M. Prettyman, participated. The employer did not respond to the notice of hearing to furnish a phone number with the Appeals Bureau and did not participate in the hearing.

The administrative law judge took official notice of the administrative records. Based on the evidence, the arguments presented, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

**ISSUES:**

Is the claimant totally, partially, or temporarily unemployed?  
Is the claimant able to and available for work?  
Is the claimant still employed at the same hours and wages?  
Is the employer’s account subject to charge?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant worked full-time for this employer and was a full-time CT Tech until February 9, 2020 when she accepted a full-time position with Iowa Clinic. Claimant remained in a part-time/on-call status for this employer.

Claimant previously was working part-time for Iowa Clinic PC (while working full-time for Central Iowa Hospital Corporation) until she accepted full-time employment on February 10, 2020. Claimant was furloughed from Iowa Clinic PC from March 25, 2020 until June 1, 2020. It was

claimant's furlough from her full-time employer that triggered her to establish her unemployment insurance claim with an effective date of April 5, 2020.

Claimant did not perform work for either employer beginning April 5, 2020 until the week of May 17, 2020. She worked part-time with Iowa Clinic PC for the period of May 17, 2020 – May 30, 2020. She resumed full-time employment on June 1, 2020.

Claimant was able to and available for work for the period of April 5, 2020-May 30, 2020. She did not refuse any shifts from either employer.

## **REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes as follows:

Iowa Code § 96.19(38)b provides:

As used in this chapter, unless the context clearly requires otherwise:

38. "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 96.4(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 96.1A, subsection 38, paragraph "b", subparagraph (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".

While looking only at claimant's wage history, it would appear that this employer was claimant's full-time employer at the time she established her claim for benefits. However, that is not correct. Claimant worked full-time for this employer and part-time for Iowa Clinic until February 9, 2020. Effective February 10, 2020, claimant essentially swapped, and went full-time with Iowa Clinic and part-time with this employer. Claimant was no longer working the same hours and wages for which she was hired with this employer, and claimant's unemployment was due to the loss of her full-time employment with Iowa Clinic PC.

Effective February 9, 2020, claimant had quit the full-time employment with this employer to accept other employment. When a claimant accepts her employment to accept other, she is allowed benefits but this employer is relieved of charges. See Iowa Code § 96.5(1)a.; Iowa Admin. Code r. 871-23.43.

Claimant has established she was laid off from her full-time employer, Iowa Clinic PC, and otherwise able and available. For any weeks claimant performed no work for either employer, she was totally unemployed. For any week claimant worked some hours, she is considered partially unemployed and must report wages earned. Benefits are allowed, provided she is eligible. This employer is relieved of charges.

**DECISION:**

The unemployment insurance decision dated December 4, 2020, (reference 01) is modified in favor of the claimant/appellant. The claimant is not able and available for work effective April 5, 2020. Regular unemployment insurance benefits are allowed, provided she is otherwise eligible. This employer is relieved of charges.



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Jennifer L. Beckman  
Administrative Law Judge  
Unemployment Insurance Appeals Bureau  
Iowa Workforce Development  
1000 East Grand Avenue  
Des Moines, Iowa 50319-0209  
Fax 515-478-3528

March 1, 2021  
Decision Dated and Mailed

jlb/scn