

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**JANICE A ADDISON**  
Claimant

**APPEAL NO: 13A-UI-11378-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**PILOT TRAVEL CENTERS LLC**  
Employer

**OC: 09/01/13**  
**Claimant: Respondent (1)**

Iowa Code § 96.4(3) – Availability for Work  
Iowa Code § 96.19(38) – Partially Unemployed

**PROCEDURAL STATEMENT OF THE CASE:**

The employer appealed a representative's October 2, 2013 determination (reference 01) that held the claimant eligible to receive benefits as of September 1, 2013, because her hours had been reduced from the number she had been working in her base period. The claimant participated in the hearing. Chris Elwood, the general manager, appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge concludes the claimant is eligible to receive partial benefits.

**ISSUE:**

Is the claimant partially unemployed?

**FINDINGS OF FACT:**

The claimant started working for the employer in June 2009. The employer hired the claimant to work full time. After the claimant started receiving other benefits, she told the employer she could work part time or 28 hours a week. The claimant worked an average for 28 hours a week for about a year. When new managers came, the claimant's hours were reduced to one or two days a week. As the result of a reduced labor budget, management has reduced the claimant's and other employees' hours.

The claimant established a new benefit year during the week of September 1, 2013. Since she started filing weekly claims, she has worked 6 to 14 hours a week. Since September 1, her gross wages have been less than her maximum weekly benefit amount of \$129.00.

**REASONING AND CONCLUSIONS OF LAW:**

When a claimant is still employed in a part-time job at the same hours and wages that she was hired and is not working a reduced workweek, the claimant is not considered partially unemployed. 871 IAC 24.23(26). The facts establish the claimant is working a reduced workweek for business reasons. Since the claimant's work hours have been reduced, she is eligible to receive benefits as of September 1, 2013.

**DECISION:**

The representative's October 2, 2013 determination (reference 01) is affirmed. The claimant is eligible to receive partial benefits as of September 1, 2013. The employer's account will not be relieved from charge.

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Debra L. Wise  
Administrative Law Judge

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Decision Dated and Mailed

dlw/css