

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**ADELA P RUIZ**  
Claimant

**APPEAL NO: 15A-UI-01149-ET**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**HAWKEYE CLEANING SERVICES LLC**  
Employer

**OC: 12/28/14**  
**Claimant: Appellant (4)**

Section 96.4-3 – Able and Available for Work  
Section 96.19(38)B – Partial Benefits  
871 IAC 24.23 (26) – Same Hours and Wages

**STATEMENT OF THE CASE:**

The claimant filed a timely appeal from the January 27, 2015, reference 05, decision that denied benefits. After due notice was issued, a hearing was held by telephone conference call before Administrative Law Judge Julie Elder on February 24, 2015. The claimant participated in the hearing. Patty Class-Foseen, Office Manager, participated in the hearing on behalf of the employer.

**ISSUE:**

The issue is whether the claimant is eligible for partial unemployment insurance benefits.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant is employed as a part-time cleaning specialist for Hawkeye Cleaning Services. She was hired February 10, 2009 and continues to perform her job with Hawkeye in the same capacity as in her contract of hire.

The claimant also works full-time for the local school district. She was laid off for the two weeks over the school district's holiday break and filed for benefits for that time period.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the claimant is eligible for partial unemployment insurance benefits.

The unemployment insurance law provides that a claimant is deemed eligible for partial unemployment benefits if she has been permanently or temporarily separated from one employer and earns less than her weekly benefits amount plus \$15 in other employment. Iowa Code section 96.19-38-b; see also Iowa Code Section 96.3-3.

If the claimant had other part-time employment during her base period and remains in that employment, she continues to be eligible for benefits as long as she is receiving the same employment from the part-time employer that she received during the base period. However, under these circumstances, the part-time employer's account is relieved of benefit charges. 871 IAC 23.43(4)a.

The claimant was temporarily separated from her regular full-time employer and continued to work for her part-time, base-period employer. The part-time employer was providing the claimant with substantially the same employment as it provided during her base period. Consequently, the claimant is qualified to receive at least partial unemployment insurance benefits effective the week ending January 3, 2015, provided she was otherwise eligible. To be eligible for benefits for any particular week, the claimant must file a weekly claim for that week reporting her wages from all employers earned (not paid) for that week; the amount of her eligibility will then be determined pursuant to the formula set out by the statute. 871 IAC 24.52(8); Iowa Code section 96.3-3.

Under rule 871 IAC 23.43(4)a, the part-time employer is exempt from charge for benefits paid to the claimant as long as it continues to provide the claimant with the same part-time employment it provided during her base period.

**DECISION:**

The January 27, 2015, reference 05, decision is modified in favor of the claimant. The claimant is eligible for partial unemployment insurance benefits. Benefits are allowed, provided the claimant is otherwise eligible. The account of the part-time employer shall not be charged.

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Julie Elder  
Administrative Law Judge

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Decision Dated and Mailed

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