

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

HEATHER L OLIVER
Claimant

APPEAL NO: 11A-UI-14664-DT

**ADMINISTRATIVE LAW JUDGE
DECISION**

GREAT RIVER MEDICAL CENTER
Employer

OC: 10/09/11

Claimant: Appellant (4)

Section 96.19-38-b – Eligibility for Partial Unemployment Insurance Benefits
871 IAC 23.43(4)(a) – Charges for Partial Unemployment Insurance Benefits

STATEMENT OF THE CASE:

Heather L. Oliver (claimant) appealed a representative's November 4, 2011 decision (reference 01) that concluded she was not qualified to receive unemployment insurance benefits in conjunction with her employment with Great River Medical Center (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on December 6, 2011. The claimant participated in the hearing. Laura Bailey appeared on the employer's behalf and presented testimony from one other witness, Greg Fields. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUES:

Was the claimant eligible for full or partial unemployment insurance benefits because of not being fully employed during the weeks ending October 15 and October 22?

Is the employer's account subject to charge?

FINDINGS OF FACT:

The claimant started working for the employer on April 19, 2010. She has always worked on a PRN (*Pro re nata* – commonly used in medicine to mean "as needed") basis as a radiology technician. She has always had another full-time job around which she worked with the employer. As of the date of the hearing, she had last worked for the employer on December 3.

The claimant had changed full-time employers in May 2011. As of May 9, 2011, she began working full-time on a 6:30 a.m.-to-5:00 p.m., Monday-through-Thursday basis for her new full-time employer. She continued to work with the employer on an as needed basis around her new work schedule.

The claimant had a temporary layoff with her new employer from October 9 through October 23, 2011; as a result, the claimant established an unemployment insurance benefit year effective October 9, 2011. Her weekly benefit amount was calculated to be \$415.00. She filed weekly

reports for the weeks ending October 15 and October 22, for which she reported her wages earned in her employment with the employer in the amounts of \$162.00 and \$143.00, respectively. She sought partial benefits for those two weeks.

REASONING AND CONCLUSIONS OF LAW:

The unemployment insurance law provides that a claimant is deemed partially unemployed if she has been permanently or temporarily separated from one employer and earns less than her weekly benefit amount plus \$15.00 in other employment. Iowa Code § 96.19-38-b; see also Iowa Code § 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 those 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 employer. The 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 October 9, 2011, 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 § 96.3-3.

Under rule 871 IAC 23.43(4)a, the 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 unemployment insurance decision dated November 4, 2011 (reference 01) is modified in favor of the claimant. The claimant was eligible for partial unemployment insurance benefits for the weeks of her layoff from her full-time employer, provided she is otherwise eligible, and the employer's account is exempt from charge for benefits paid to the claimant.

Lynette A. F. Donner
Administrative Law Judge

Decision Dated and Mailed

ld/kjw