

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

LAURA J STULKEN
Claimant

THE UNIVERSITY OF IOWA
Employer

APPEAL 21A-UI-12534-AD-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 11/29/20
Claimant: Appellant (2)

Iowa Code § 96.1A(37) – Total, partial unemployment
Iowa Code § 96.4(3) – Eligibility – A&A – Able to, available for, work search

STATEMENT OF THE CASE:

On May 18, 2021, Laura Stulken (claimant/appellant) filed a timely appeal from the Iowa Workforce Development decision dated May 14, 2021 (reference 01) that denied benefits as of March 14, 2021 based on a finding claimant was still employed for the same hours and wages.

A telephone hearing was held on July 29, 2021. The parties were properly notified of the hearing. Claimant participated personally. The University of Iowa (employer/respondent) participated by HR Business Analyst Jessica Wade.

Official notice was taken of the administrative record.

ISSUE(S):

- 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 hours and wages?

FINDINGS OF FACT:

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

Claimant began working for employer on December 15, 2014. Claimant is still employed by employer as a full-time physician assistant. Employer placed claimant on a one-week unpaid furlough for the week ending March 13, 2021. Claimant was able and available for work during this week. Claimant filed a weekly claim for benefits that week and that week only. She returned to her normal position after that time.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the decision dated May 14, 2021 (reference 01) that denied benefits as of March 14, 2021 based on a finding claimant was still employed for the same hours and wages is REVERSED. Claimant is eligible for benefits in the week filed.

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 96.19, subsection 38, paragraph "b", unnumbered paragraph (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".

Iowa Code section 96.1A(37) 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.

Claimant was totally unemployed during the week ending March 13, 2021 due to a furlough. She was able and available for work that week. She is eligible for benefits in that week.

DECISION:

The decision dated May 14, 2021 (reference 01) that denied benefits as of March 14, 2021 based on a finding claimant was still employed for the same hours and wages is REVERSED. Claimant is eligible for benefits in the week filed.



Andrew B. Duffelmeyer
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August 04, 2021
Decision Dated and Mailed

abd/ol