

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**KATRINA D KENT**

Claimant

**APPEAL NO: 11A-UI-03053-ST**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**ACCESS INCORPORATED**

Employer

**OC: 01/23/11**

**Claimant: Appellant (4)**

Section 96.4-3 – Able and Available  
871 IAC 23.43(4) – Supplemental Employment/Relief of Charges

**STATEMENT OF THE CASE:**

The claimant appealed a department decision dated March 8, 2011, reference 01, that held she was not eligible for benefits effective January 23, 2011, as she was still employed in the same job. A telephone hearing was held on March 31, 2011. The claimant participated. Mary Knutson, HR Director, participated for the employer. Employer Exhibit 1 was received as evidence.

**ISSUES**

Whether claimant is able and available for work.

Whether claimant is working the same job and hours.

**FINDINGS OF FACT:**

The administrative law judge having heard the testimony of the witnesses, and having considered the evidence in the record, finds: The claimant filed an unemployment claim effective January 24, 2010 and an extended benefit claim effective November 21. Her WBA is \$388. 00.

Claimant began working a part-time job for the employer on December 20, 2010 and she reported her earnings each week while she continued filing her unemployment claims. Claimant filed a second benefit year claim effective January 23, 2011 (WBA \$115.00), and she continued to report her part-time earnings. When claimant began a full-time job for the employer, she ceased claiming unemployment benefits.

**REASONING AND CONCLUSIONS OF LAW:**

Iowa Code section 96.5-1 provides:

An individual shall be disqualified for benefits:

1. Voluntary quitting. If the individual has left work voluntarily without good cause attributable to the individual's employer, if so found by the department.

871 IAC 23.43(4)a provides in part:

(4) Supplemental employment.

a. An individual, who has been separated with cause attributable to the regular employer and who remains in the employ of the individual's part-time, base period employer, continues to be eligible for benefits as long as the individual is receiving the same employment from the part-time employer that the individual received during the base period. The part-time employer's account, including the reimbursable employer's account, may be relieved of benefit charges....

The administrative law judge concludes that the claimant is eligible to receive benefits effective January 23, 2011 due to supplemental employment with the employer.

The supplemental employment provision of the Iowa employment security law allows a part-time employee to be eligible for benefits after separating from a regular employer. The claimant is not penalized for accepting part-time work, and the part-time employer is not charged for benefits paid to the claimant. Claimant ceased claiming for benefits when she became a full-time employee. Whether claimant is eligible for benefits in any week depends on the amount of her part-time earnings and her weekly benefit amount.

**DECISION:**

The department decision dated March 8, 2011, reference 01, is modified. The claimant is eligible for benefits effective January 23, 2011 as part time, supplemental employment and the employer is not charged. Benefits are allowed, provided the claimant is otherwise eligible.

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Randy L. Stephenson  
Administrative Law Judge

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Decision Dated and Mailed

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