

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

IZZAT YOUSSEF

Claimant

APPEAL NO: 15A-UI-04993-LDT

**ADMINISTRATIVE LAW JUDGE
DECISION**

SYSTEMS UNLIMITED INC

Employer

OC: 03/29/15

Claimant: Appellant (2)

Section 96.19-38-b – Eligibility for Partial Unemployment Insurance Benefits

STATEMENT OF THE CASE:

Izzat Youssif (claimant) appealed a representative's April 23, 2015 decision (reference 05) that concluded he was not qualified to receive unemployment insurance benefits in conjunction with his employment with Systems Unlimited, Inc. (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on June 4, 2015. This appeal was consolidated for hearing with one related appeal, 15A-UI-04994-DT. The claimant participated in the hearing. The employer's representative received the hearing notice and responded by sending a statement to the Appeals Bureau indicating that the employer was not going to participate in the hearing. Based on the evidence, the arguments of the claimant, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Is the claimant employed by the employer for less than his usual hours and wages and eligible for full or partial unemployment insurance benefits?

FINDINGS OF FACT:

The claimant started working for the employer in about December 2012. He worked part time, previously about 30 hours per week, as a direct service worker in a group home in the employer's non-profit organization providing services to persons with disabilities. His last day of work was March 25, 2015.

The claimant had previously worked three overnights per week from 10:00 p.m. to 8:00 a.m., always on Wednesday nights, and then either Friday and Saturday or Saturday and Sunday nights. In about February 2015 the claimant's supervisor advised him that he was going to lose his weekend shifts because the supervisor was giving the time to full-time employees; as a result, from that time he was only working the Wednesday night shifts.

On March 27 the supervisor gave the claimant a reprimand because some of the claimant's coworkers had made some complaint about his job performance. The claimant accepted the reprimand but told the supervisor that while he would continue to work at that group home, he

would be interested in being moved to some other house where perhaps he could get more hours back.

When the claimant came in to work on April 1, he had been totally removed from the schedule for that house. The employer informed him that it was because he was going to be transferred to working at another house. However, he was subsequently advised that the transfer was not going to occur, and that he would have no hours.

REASONING AND CONCLUSIONS OF LAW:

The unemployment insurance law provides that a claimant is deemed partially unemployment insurance benefits if he is not employed at his usual hours and wages and earns less than his weekly benefit amount plus \$15.00. Iowa Code § 96.19-38-b.

Beginning on or about February 2015, the employer was not providing the claimant with substantially the same employment as it provided during his base period. Consequently, the claimant is qualified to receive partial unemployment insurance benefits upon the filing of his claim effective March 29, 2015, provided he was otherwise eligible. He has demonstrated that the lack of hours was not due to his lack of availability to work the hours he had normally worked. To be eligible for benefits for any particular week, the claimant must file a weekly claim for that week reporting his wages from all employers earned (not paid) for that week; the amount of his eligibility will then be determined pursuant to the formula set out by the statute. Rule 871 IAC 24.52(8); Iowa Code § 96.3-3.

DECISION:

The unemployment insurance decision dated April 23, 2015 (reference 05) is reversed. The claimant is eligible for at least partial unemployment insurance benefits effective March 29, 2015.

Lynette A. F. Donner
Administrative Law Judge

Decision Dated and Mailed

ld/css