

**BEFORE THE
EMPLOYMENT APPEAL BOARD
Lucas State Office Building
Fourth floor
Des Moines, Iowa 50319**

TINA M MINER

Claimant,

and

CENTRAL IOWA HOSPITAL CORP

Employer.

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HEARING NUMBER: 14B-UI-04387

**EMPLOYMENT APPEAL BOARD
DECISION**

NOTICE

THIS DECISION BECOMES FINAL unless (1) a **request for a REHEARING** is filed with the Employment Appeal Board within **20 days** of the date of the Board's decision or, (2) a **PETITION TO DISTRICT COURT** IS FILED WITHIN **30 days** of the date of the Board's decision.

A **REHEARING REQUEST** shall state the specific grounds and relief sought. If the rehearing request is denied, a petition may be filed in **DISTRICT COURT** within **30 days** of the date of the denial.

SECTION: 96.4-3

DECISION

UNEMPLOYMENT BENEFITS ARE ALLOWED IF OTHERWISE ELIGIBLE

The Employer appealed this case to the Employment Appeal Board. The members of the Employment Appeal Board reviewed the entire record. The Appeal Board finds the administrative law judge's decision is correct. With the following modification, the administrative law judge's Findings of Fact and Reasoning and Conclusions of Law are adopted by the Board as its own. The administrative law judge's decision is **AFFIRMED** with the following **MODIFICATION**:

Under the regulations of Iowa Workforce “[a]n 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.” 871 IAC 23.43(4). Although the Claimant worked a reduced schedule for an isolated period of time, overall she “remains in the employ of [her] part-time, base period employer” and she “is receiving the same employment from the part-time employer that [she] received during the base period...” Thus we hold that while benefits are allowed, the Employer in this matter should not be charged for the benefits paid to the Claimant.

The Employment Appeal Board would note that Blair Bennett was the presiding administrative law judge, yet the decision was signed by Lynette A. F. Donner.

Kim D. Schmett

Cloyd (Robby) Robinson

Ashley Koopmans

RRA/fnv