

**IOWA WORKFORCE DEVELOPMENT  
Unemployment Insurance Appeals Section  
1000 East Grand—Des Moines, Iowa 50319  
DECISION OF THE ADMINISTRATIVE LAW JUDGE  
68-0157 (7-97) – 3091078 - EI**

**DEBRA K GRASSI  
PO BOX 78  
NEWHALL IA 52315-0078**

**MERCY PHYSICIAN SERVICES INC  
701 – 10<sup>TH</sup> ST SE  
PO BOX 1824  
CEDAR RAPIDS IA 52406-1824**

**Appeal Number: 06A-UI-01827-DT  
OC: 01/15/06 R: 03  
Claimant: Appellant (1)**

**This Decision Shall Become Final**, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4<sup>th</sup> Floor—Lucas Building, Des Moines, Iowa 50319.**

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

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(Administrative Law Judge)

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(Decision Dated & Mailed)

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:

Debra K. Grassi (claimant) appealed a representative's February 7, 2006 decision (reference 01) that concluded she was not qualified to receive unemployment insurance benefits in conjunction with her employment with Mercy Physician Services, Inc. (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on March 2, 2006. The claimant participated in the hearing. Amy Morrow appeared on the employer's behalf and presented testimony from one other witness, Lisa Gleason. 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.

FINDINGS OF FACT:

The claimant started working for the employer on May 27, 2003. She resigned as of January 15, 2004. She returned to employment as of November 22, 2004. From that point she worked on a "p.r.n." – as needed – basis as a patient care staff person in the employer's staff resource pool for its 14 clinics. She typically worked days over holiday breaks. She most recently worked several days in the Thanksgiving and Christmas 2005 season. The reason for her limited availability was her school schedule, as she was a full-time student.

On or about January 5, 2006, the claimant informed the resource pool project coordinator, Ms. Gleason, that she would not be returning to school and was available for full-time hours. Ms. Gleason informed the claimant that she did not have any full-time work available for the claimant. As a result, the claimant established an unemployment insurance benefit year effective January 15, 2006. The claimant's employment with the employer has been her only employment during her base period.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the claimant is eligible for unemployment insurance benefits. The unemployment insurance law provides that a claimant is deemed partially unemployment insurance benefits if she is not employed at her usual hours and wages and earns less than her weekly benefit amount plus \$15.00 in other employment. Iowa Code §96.19-38-b.

871 IAC 24.23(26) provides:

Availability disqualifications. The following are reasons for a claimant being disqualified for being unavailable for work.

(26) Where a claimant is still employed in a part-time job at the same hours and wages as contemplated in the original contract for hire and is not working on a reduced workweek basis different from the contract for hire, such claimant cannot be considered partially unemployed.

The employer was providing the claimant with substantially the same employment as it provided during her base period. The fact that the claimant's availability increased in January 2006 beyond what she had originally arranged with the employer does not mean that the employer was bound to increase the work it provided for her. Consequently, the claimant is not considered partially unemployed and is not eligible for unemployment insurance benefits.

DECISION:

The unemployment insurance decision dated February 7, 2006 (reference 01) is affirmed. The claimant is employed in her same hours and wages and is not eligible for unemployment insurance benefits.

ld/tjc