

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**ORDELL T KJOS**

Claimant

**APPEAL NO: 11A-UI-15027-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**LABOR WORLD OF IOWA**

Employer

**OC: 10/09/11**

**Claimant: Respondent (1)**

Iowa Code § 96.4(3) – Availability for Work

**STATEMENT OF THE CASE:**

The employer appealed a representative's November 10, 2011 determination (reference 01) that held the claimant eligible to receive benefits and the employer's account subject to charge because the claimant was available to work. The claimant did not respond to the hearing notice or participate in the hearing. Bill Heiden, an employment consultant, appeared on the employer's behalf. Heiden participated at the minute when the designated witness was not available. Based on the evidence, the employer's arguments, and the law, the administrative law judge finds the claimant eligible to receive benefits.

**ISSUE:**

Is the claimant available for work?

**FINDINGS OF FACT:**

In August 2010, the claimant registered to work with the employer, a temporary staffing firm. The claimant has worked for several clients and various job assignments. In 2010, the employer assigned the claimant to a long-term assignment. After the claimant completed the long-term assignment, he has worked several short assignments or one-day assignments for the employer.

After the claimant's long-term assignment ended, he established a claim for benefits during the week of October 9, 2011. His maximum weekly benefit amount is \$189.00. The claimant has not declined any work the employer has offered him. Recently, the claimant has worked an average of three days a week at one of the employer's clients.

**REASONING AND CONCLUSIONS OF LAW:**

The claimant established a claim for benefits after a long-term assignment ended. Initially, the employer was only able to assign the claimant to one-day job assignments. Since the claimant was not scheduled to work and did not establish a claim until his long-term assignment ended, the evidence does not establish that 871 IAC 24.23(26) applies. The claimant is not working a part-time job for unemployment insurance purposes.

The facts establish that when the claimant files a weekly claim and earns gross wages of less than \$204.00, he is eligible to receive partial benefits. The evidence also establishes that the claimant is able to and available for work. (Iowa Code § 96.4(3)). He is eligible to receive partial benefits as of October 9, 2011.

**DECISION:**

The representative's November 10, 2011 determination (reference 01) is affirmed. For unemployment insurance purposes, the claimant is not working as a part-time employee. Therefore, he is partially unemployed and is eligible to receive partial benefits as of October 9, 2011. Each week the claimant files a claim for benefits and earns gross wages of less than \$204.00; he is eligible to receive partial benefits. The employer's account is subject to charge.

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Debra L. Wise  
Administrative Law Judge

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Decision Dated and Mailed

dlw/css