

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DAVID P KLARKOWSKI
Claimant

APPEAL NO: 13A-UI-14076-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

REMEDY INTELLIGENT STAFFING INC
Employer

**OC: 11/17/13
Claimant: Respondent (1)**

Iowa Code § 96.19(38)b – Partially Unemployed

PROCEDURAL STATEMENT OF THE CASE:

The employer appealed a representative's December 18, 2013 determination (reference 01) that held the claimant eligible to receive benefits because even though he worked part time he was still considered available for work and eligible to receive partial benefits. The claimant did not respond to the hearing notice or participate in the hearing. Emily Martin, a staffing consultant, appeared on the employer's behalf. Based on the evidence, the employer's arguments, and the law, the administrative law judge concludes the claimant is eligible to receive benefits as of November 17, 2013.

ISSUE:

As of November 17 is the claimant working reduced hours and eligible to receive partial benefits?

FINDINGS OF FACT:

The claimant started working for the employer in June 2009. The claimant established a claim for benefits during the week of November 17, 2013. When the claimant works at an assignment, the employer pays him \$11.00 an hour. During his base period, the claimant earned an average weekly wage of \$396.00.

During the week ending November 23 the claimant earned gross wages of \$132.00; during the week ending he earned gross wages of \$235.00; and for the week ending December 7, he earned gross wages of \$214.00.

The employer's business starts to slow down in early December and the employer does not have very many clients who need workers around Christmas. As of January 15, 2014, the claimant was again working regular hours.

REASONING AND CONCLUSIONS OF LAW:

When a claimant is still employed in a part-time job at the same hours and wages as contemplated in the contract for hire and is not working a reduced workweek, he is not partially

unemployed. 871 IAC 24.23(26). Since the claimant's average weekly wage in his base period is \$396.00, the evidence establishes that as of November 17 he was working a reduced workweek. As a result, he is eligible to partial benefits as of November 17, 2013. Any week that the claimant earns gross wages of less than \$239.00, he is potentially eligible to receive partial benefits for that week.

DECISION:

The representative's December 18, 2013 determination (reference 01) is affirmed. As of November 17, 2013, the claimant is eligible to receive benefits.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/css