

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

GAIL M WINN
Claimant

APPEAL NO: 17A-UI-08081-S1-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

NPS MANAGEMENT SERVICES INC

OC: 07/09/17
Claimant: Appellant (1)

Section 96.4-3 – Able and Available

STATEMENT OF THE CASE:

Gail Winn (claimant) appealed a representative's August 4, 2017, decision (reference 02) that concluded she was not eligible to receive unemployment insurance benefits because she was still employed with NPS Management Services (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for August 28, 2017. The claimant participated personally. The employer did not provide a telephone number where it could be reached and therefore, did not participate in the hearing.

ISSUE:

The issue is whether the claimant is eligible to receive unemployment insurance benefits as of July 9, 2017.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant was hired on May 12, 2012, as a full-time process technician. The employer laid the claimant off from work from July 2 to July 8, 2017. The claimant filed for unemployment insurance benefits with an effective date of July 9, 2017. The claimant had returned to work by the time she filed for unemployment insurance benefits.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow the administrative law judge concludes the claimant is still employed at the same hours and wages as of July 9, 2017.

Iowa Admin. Code r. 871-24.23(23) provides:

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

(23) The claimant's availability for other work is unduly limited because such claimant is working to such a degree that removes the claimant from the labor market.

The claimant wished to receive unemployment insurance benefits for the week ending July 8, 2017, but she did not file for benefits for that week. She filed for benefits for the following week. The claimant was working full-time for the employer as of July 9, 2017. The claimant is disqualified from receiving unemployment insurance benefits because she was not available for other work on July 9, 2017. This administrative law judge can make no determination on whether she is eligible for benefits for the week ending July 8, 2017, because she did not file a claim for benefits for that week.

DECISION:

The representative's August 4, 2017, decision (reference 02) is affirmed. The claimant is disqualified from receiving unemployment insurance benefits because she was not available for other work on July 9, 2017.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/rvs