

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JAMES E KOFOOT
Claimant

APPEAL NO: 06A-UI-09087-CT

**ADMINISTRATIVE LAW JUDGE
DECISION**

ENTERPRISE RENT-A-CAR COMPANY
Employer

OC: 07/30/06 R: 02
Claimant: Respondent (4)

Section 96.4(3) – Able and Available
Section 96.7(2)a(2) – Base Period Employment

STATEMENT OF THE CASE:

Enterprise Rent-A-Car Company (Enterprise) filed an appeal from a representative's decision dated August 31, 2006, reference 01, which held that no disqualification would be imposed regarding James Kofoot's separation from employment. After due notice was issued, a hearing was held by telephone on September 26, 2006. Mr. Kofoot participated personally. The employer participated by Stephanie Alber, Branch Manager.

ISSUE:

At issue in this matter is whether Mr. Kofoot is eligible to receive job insurance benefits on his claim filed effective July 30, 2006 and, if so, whether the employer should be relieved of charges.

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having reviewed all of the evidence in the record, the administrative law judge finds: Mr. Kofoot has been working for Enterprise since March 5, 2002. He was hired to work part-time as an on-call driver. His hours vary and he works from 5 to 20 hours each week. Mr. Kofoot also worked for a different employer for 30 hours each week. He filed a claim for job insurance benefits effective July 30, 2006 when his other employment ended. He continues to work for Enterprise under the same terms and conditions as hired.

REASONING AND CONCLUSIONS OF LAW:

Mr. Kofoot filed for unemployment benefits when his regular employment ended. However, he continues to work for Enterprise to the same extent as he did during the base period of his claim. Mr. Kofoot remains available to work to the same extent as he accrued wage credits. Because he is still available for other work, he has satisfied the provisions of Iowa Code section 96.4(3). Since Enterprise is currently providing the same employment as it did during the base period of the claim, the employer is entitled to a relief from benefit charges pursuant to

Iowa Code section 96.7(2)a(2). If Mr. Kofoot becomes separated from Enterprise, the parties are to notify Workforce Development of this fact.

DECISION:

The representative's decision dated August 31, 2006, reference 01, is hereby modified. Mr. Kofoot is available for work within the meaning of the law. He is still employed by Enterprise to the same extent as he was during the base period of his claim. Benefits are allowed, provided Mr. Kofoot satisfies all other conditions of eligibility, but shall not be charged to the account of Enterprise.

Carolyn F. Coleman
Administrative Law Judge

Decision Dated and Mailed

cfc/cs