

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

LORIS M SCHRADER
Claimant

APPEAL NO. 12A-UI-14531-S2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

DALL-HAUS INC
Employer

**OC: 01/09/11
Claimant: Appellant (1)**

Section 96.4-3 – Able and Available

STATEMENT OF THE CASE:

Loris Schrader (claimant) appealed a representative's December 4, 2012 decision (reference 05) that concluded she was not eligible to receive unemployment insurance benefits because she is still employed in her job for the same hours and wages as she was hired by Dall-Haus (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for February 8, 2013. The claimant participated personally. The employer participated by Mike Dreesman, General Manager.

ISSUE:

The issue is whether the claimant is disqualified for being unavailable for work.

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 June 26, 2012, as a part-time team member. She was not guaranteed a certain number of hours when she was hired. Her work days/hours varied but she averaged about 20 hours per week over a 16-week period. The claimant thought her hours decreased because she no longer worked on Fridays but they did not. She filed for unemployment insurance benefits with an effective date of October 28, 2012.

REASONING AND CONCLUSIONS OF LAW:

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 claimant was hired as a part-time worker and is still working part time for the employer. The claimant is disqualified from receiving unemployment insurance benefits because she is still employed in her job and not available for work.

DECISION:

The representative's December 4, 2012 decision (reference 05) is affirmed. The claimant is disqualified from receiving unemployment insurance benefits because she is not available for work.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/tll