

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CONNIE M CLINE
Claimant

APPEAL NO: 12A-UI-08709-DT

**ADMINISTRATIVE LAW JUDGE
DECISION**

REAL TIME STAFFING
Employer

OC: 06/10/12
Claimant: Appellant (2)

Section 96.19-38-b – Eligibility for Partial Unemployment Insurance Benefits

STATEMENT OF THE CASE:

Connie M. Cline (claimant) appealed a representative's July 17, 2012 decision (reference 03) that concluded she was not qualified to receive unemployment insurance benefits in conjunction with her employment with Real Time Staffing (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on August 14, 2012. The claimant participated in the hearing. The employer failed to respond to the hearing notice and provide a telephone number at which a witness or representative could be reached for the hearing and did not participate in the hearing. Based on the evidence, the arguments of the claimant, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Is the claimant employed by the employer for less than her usual hours and wages and eligible for full or partial unemployment insurance benefits?

FINDINGS OF FACT:

The employer is a temporary employment firm. The claimant worked full time on the assembly line on a temp to hire position at the employer's Fort Madison, Iowa business client, alternating between first and second shifts. Her last day on the assignment was July 10, 2012. The assignment ended because the assignment ended as of that date.

Prior to July 10 there were weeks where the claimant was getting less than 40 hours per week on the assignment because of a lack of work. As a result, she established a claim for unemployment insurance benefits effective June 10, 2012. Her weekly benefit amount was calculated to be \$129.00. She was available for her prior full time hours each of the weeks after June 10, 2012.

REASONING AND CONCLUSIONS OF LAW:

The unemployment insurance law provides that a claimant is deemed partially unemployment insurance benefits if she is not employed at her usual hours and wages and earns less than her weekly benefit amount plus \$15.00. Iowa Code §96.19-38-b.

Beginning on or about June 10, 2012, the employer was not providing the claimant with substantially the same employment as it had previously provided. Consequently, the claimant is qualified to receive partial unemployment insurance benefits upon the filing of her claim effective June 10, provided she was otherwise eligible. To be eligible for benefits for any particular week, the claimant must file a weekly claim for that week reporting her wages from all employers earned (not paid) for that week; the amount of her eligibility will then be determined pursuant to the formula set out by the statute. 871 IAC 24.52(8); Iowa Code § 96.3-3.

DECISION:

The unemployment insurance decision dated July 17, 2012 (reference 03) is reversed. The claimant is eligible for partial unemployment insurance benefits beginning June 10, 2012.

Lynette A. F. Donner
Administrative Law Judge

Decision Dated and Mailed

ld/pjs