

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

PAMELA MORRIS
Claimant

REMEDY INTELLIGENT STAFFING INC
Employer

APPEAL NO. 14A-UI-11366-BT

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 10/05/14
Claimant: Appellant (1)

Iowa Code § 96.4-3 - Able and Available for Work

STATEMENT OF THE CASE:

Pamela Morris (claimant) appealed an unemployment insurance decision dated October 31, 2014, (reference 01), which held that she was not eligible for unemployment insurance benefits because she was still employed at the same hours and wages with Remedy Intelligent Staffing, Inc. (employer) as in her original contract of hire. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on November 20, 2014. The claimant participated in the hearing. The employer participated through Julie Coughlin, Branch Manager.

ISSUE:

The issue is whether the claimant is working the same hours and wages as in her original contract of hire with this employer.

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 as a temporary employee on November 16, 2012, and continues to be employed in the same capacity. She was not hired for any particular job assignment but is assigned to various job assignments depending on the availability of assignments and her willingness to accept the assignments. The claimant is not guaranteed a minimum number of working hours each week and the number of hours is governed by the particular assignment. She worked full-time hours for one customer for a period of eight months before the assignment ended. The claimant has worked a few assignments since that time but her availability is limited by personal and transportation issues.

REASONING AND CONCLUSIONS OF LAW:

The issue to be determined is whether the claimant is still employed with the employer for the same hours and wages as contemplated in the original contract of hire. The claimant was not hired for any particular job assignment but is assigned to various job assignments. She is not

guaranteed any minimum number of working hours each week, however, the number of hours is governed by the particular assignment that is offered and the willingness of the claimant to accept the assignment.

The claimant may be eligible to receive unemployment insurance benefits during weeks when there is a lack of work but is not eligible to receive benefits for reduced work weeks when she does not make herself available to work all the hours available. The claimant is still employed at the same hours and wages as in her original contract of hire. Benefits are denied.

DECISION:

The unemployment insurance decision dated October 31, 2014, (reference 01), is affirmed. The claimant does not qualify for partial unemployment insurance benefits as she is still employed at the same hours and wages with her employer.

Susan D. Ackerman
Administrative Law Judge

Decision Dated and Mailed

sda/pjs