

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

BRADLEY T HAWKINS
Claimant

APPEAL NO. 15A-UI-00139-S2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

CITY OF STRAWBERRY POINT
Employer

OC: 11/30/14
Claimant: Appellant (2)

Iowa Code § 96.4(3) – Able and Available
871 IAC 24.22(2)f – Part-Time Worker – Able and Available

STATEMENT OF THE CASE:

Bradley Hawkins (claimant) appealed a representative's December 24, 2014, decision (reference 04) that concluded he was not eligible to receive unemployment insurance benefits because he is still employed in his job for the same hours and wages as he was hired by City of Strawberry Point (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for January 29, 2015. 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. The claimant offered and Exhibit A was received into evidence.

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 in 2009, as a part-time seasonal laborer working in the winter months. He last worked in the first quarter of 2014. The employer has not had any work for him since then even though the claimant is available to work.

REASONING AND CONCLUSIONS OF LAW:

Iowa Admin. Code r. 871-24.23(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 not still working part-time for the employer. The claimant is qualified to receive unemployment insurance benefits because he is able and available for work.

DECISION:

The representative's December 24, 2014, decision (reference 04) is reversed. The claimant is able and available for work.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/pjs