

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

PAMULA R ZOLLIECOFFER
Claimant

APPEAL NO. 13A-UI-06944-HT

**ADMINISTRATIVE LAW JUDGE
DECISION**

PARCO LTD
Employer

OC: 05/12/13
Claimant: Respondent (2)

Section 96.4(3) – Able and Available

STATEMENT OF THE CASE:

The employer, Parco, filed an appeal from a decision dated June 6, 2013, reference 01. The decision allowed benefits to the claimant, Pamula Zolliecoffer. After due notice was issued a hearing was held by telephone conference call on July 17, 2013. The claimant did not provide a telephone number where she could be contacted and did not participate. The employer participated by District Manager Mandi Larsen.

ISSUE:

The issue is whether the claimant is able and available for work.

FINDINGS OF FACT:

Pamula Zolliecoffer began employment with Parco on September 8, 2008 as a part-time crew member. She was not guaranteed any minimum number of hours per day, week or pay period. She remains in that same status as of the date of the hearing.

The claimant filed a claim for unemployment benefits with an effective date of May 12, 2013. The records of Iowa Workforce Development indicate no benefits have been paid as of the date of the hearing.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 96.4-3 provides:

An unemployed individual shall be eligible to receive benefits with respect to any week only if the department finds that:

3. The individual is able to work, is available for work, and is earnestly and actively seeking work. This subsection is waived if the individual is deemed partially unemployed, while employed at the individual's regular job, as defined in section 96.19, subsection 38, paragraph "b", unnumbered paragraph 1, or temporarily unemployed as defined in section 96.19, subsection 38, paragraph "c". The work search requirements

of this subsection and the disqualification requirement for failure to apply for, or to accept suitable work of section 96.5, subsection 3 are waived if the individual is not disqualified for benefits under section 96.5, subsection 1, paragraph "h".

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 is not able and available for work as she is still employed at the same part-time job for which she was hired. Under the provisions of the above Administrative Code section, she is not eligible for unemployment benefits.

DECISION:

The representative's decision of June 6, 2013, reference 01, is reversed. Pamula Zollicoffer is not eligible for unemployment benefits.

Bonny G. Hendricksmeier
Administrative Law Judge

Decision Dated and Mailed

bgh/pjs