

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**JENESSA R TROYER**  
Claimant

**APPEAL NO. 11A-UI-11549-S2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**EXPRESS SERVICES INC**  
Employer

**OC: 07/03/11  
Claimant: Appellant (1)**

Section 96.4-3 – Able and Available

**STATEMENT OF THE CASE:**

Jenessa Troyer (claimant) appealed a representative's August 26, 2011 decision (reference 01) that concluded she was not eligible to receive unemployment insurance benefits due to her separation from work with Express Services (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on September 26, 2011. The claimant participated personally. The employer participated by Jody Snyder, Office Coordinator.

**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 employer is a temporary employment service. The claimant performed services from March 7, 2011 through the present. She has been assigned to work at O'Neal Steel as a part-time receptionist working Monday through Friday from 8:30 a.m. to 3:00 p.m. The claimant filed for unemployment insurance benefits with an effective date of June 27, 2010, and July 3, 2011.

**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. She is still employed in a part-time position as was agreed to at the time she was hired. The claimant is disqualified from receiving unemployment insurance benefits.

**DECISION:**

The representative's August 26, 2011 decision (reference 01) is affirmed. The claimant is disqualified from receiving unemployment insurance benefits because she is still employed in a part-time position as was agreed to at the time she was hired.

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Beth A. Scheetz  
Administrative Law Judge

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Decision Dated and Mailed

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