

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**VEATRICE L MARKHAM**  
Claimant

**APPEAL NO. 13A-UI-05839-S2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**MIDWEST JANITORIAL SERVICE INC**  
Employer

**OC: 04/21/13**  
**Claimant: Appellant (1/R)**

Section 96.4-3 – Able and Available

**STATEMENT OF THE CASE:**

Veatrice Markham (claimant) appealed a representative's May 14, 2013 decision (reference 01) that concluded she was not eligible to receive unemployment insurance benefits because she was employed with Midwest Janitorial Service (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for June 24, 2013. The claimant participated personally. The employer participated by Jack Arendt, Business Development Manager.

**ISSUE:**

The issue is whether the claimant is available 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 worked for the employer from January 3, 2011, to May 19, 2013, as a part-time, custodian. She worked 15 hours per week until February 20, 2013. Her hours were reduced after she brought her son to work and her son was using the computer in a doctor's office. The claimant was removed from the job and the employer was removed from the account. The claimant worked three hours per week after the incident. From February 20, 2013 until she filed for unemployment insurance benefits with an effective date of April 21, 2013.

The claimant decided to stop working on May 19, 2013, because she was nine months pregnant and thought she should stop even though she did not have a doctor's note indicating she should stop working. The claimant's daughter was born on June 6, 2013. The claimant and employer plan for the claimant to return to work. The claimant believes she will return in mid-July 2013.

**REASONING AND CONCLUSIONS OF LAW:**

The administrative law judge concludes the claimant is not eligible to receive unemployment insurance benefits..

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.

As of February 20, 2013, the claimant was hired as a part-time worker and was still working part-time for the employer until she quit on May 19, 2013. She was 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.

The issue of the claimant's separation from employment is remanded for determination.

**DECISION:**

The representative's May 14, 2013 decision (reference 01) is affirmed. The claimant is disqualified from receiving unemployment insurance benefits. The issue of the claimant's separation from employment is remanded for determination.

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Beth A. Scheetz  
Administrative Law Judge

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Decision Dated and Mailed

bas/pjs