

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DAVID HILL
Claimant

APPEAL NO. 11O-UI-07026-BT

**ADMINISTRATIVE LAW JUDGE
DECISION**

LABOR WORLD OF IOWA
Employer

OC: 11/14/10
Claimant: Appellant (1)

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

STATEMENT OF THE CASE:

David Hill (claimant) appealed an unemployment insurance decision dated December 22, 2010, reference 02, which held that he was not eligible for unemployment insurance benefits because he was employed at the same hours and wages with Labor World of Iowa (employer). Administrative Law Judge Susan Ackerman conducted an initial hearing on this matter in appeal 11A-UI-00043-BT, in which benefits were denied. The claimant appealed the decision and the Employment Appeal Board remanded for further development of the record in an order dated May 20, 2011. A hearing was scheduled for July 20, 2011. The claimant did not participate in the second scheduled unemployment appeal hearing. Based on the appellant's failure to participate in the hearing, the administrative file, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

The issue is whether the claimant is working the same hours and wages as in his 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 Findings of Fact set forth in the decision in appeal 11A-UI-00043-BT are adopted and incorporated herein as if set forth at length.

REASONING AND CONCLUSIONS OF LAW:

The Reasoning and Conclusions of Law of the administrative law judge in appeal 11A-UI-00043-BT are adopted and incorporated herein as if set forth at length.

DECISION:

The unemployment insurance decision dated December 22, 2010, reference 02, is affirmed. The claimant does not meet the availability requirements of the law and benefits are denied.

Susan D. Ackerman
Administrative Law Judge

Decision Dated and Mailed

sda/kjw