

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**JARVIS T SUMMERS**

Claimant

**APPEAL NO. 13A-UI-05586-S2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**SUBURBAN CONSTRUCTION INC**

Employer

**OC: 01/27/13**

**Claimant: Respondent (1)**

Section 96.4-3 – Able and Available

**STATEMENT OF THE CASE:**

Suburban Construction (employer) appealed a representative's May 8, 2013 decision (reference 03) that concluded Jarvis Summers (claimant) was eligible to receive unemployment insurance benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on June 17, 2013. The claimant did not provide a telephone number where he could be reached and, therefore, did not participate. The employer participated by Darin Wilson, Vice President, and JR Girskis, President.

**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 on November 30, 2011, as a part-time crew member. The claimant is still employed part time whenever work is available. The claimant filed for unemployment with an effective date of January 27, 2013. He requested and received unemployment insurance benefits for benefit week ending February 2, 2013, only.

**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 whenever work is available. The claimant is able and available for work.

**DECISION:**

The representative's May 8, 2013 decision (reference 03) is affirmed. The claimant is able and available for work.

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Beth A. Scheetz  
Administrative Law Judge

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Decision Dated and Mailed

bas/css