

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CLINTON O TAYLOR
Claimant

APPEAL NO. 14A-UI-01088-VST

**ADMINISTRATIVE LAW JUDGE
DECISION**

BRIDGESTONE AMERICAS TIRE
Employer

OC: 12/15/13
Claimant: Respondent (4R)

Section 96.4-3 – Able and Available

STATEMENT OF THE CASE:

The employer filed an appeal from a representative's decision dated January 21, 2014, reference 01, which held that the claimant was eligible for unemployment insurance benefits. After due notice, a hearing was held on February 19, 2014, by telephone conference call. The claimant participated personally. Employer participated by Jim Funcheon, divisional human resources manager. The record consists of the testimony of Jim Funcheon; the testimony of Clinton Taylor; and Employer's Exhibits 1-3. Official notice is taken of agency records.

ISSUE:

Whether the claimant is eligible for partial unemployment insurance benefits.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony of the witnesses and having considered all of the evidence in the record, makes the following findings of fact:

The employer is a tire manufacturer for industry, agriculture and forestry vehicles and machines. The claimant was hired on February 25, 2013, as a full-time production worker. The claimant is still employed by the employer. The employer went on a two-week Christmas shutdown and employees were temporarily laid off. Holiday pay was paid and any vacation pay was paid. The claimant did not have any vacation pay. He was paid holiday pay.

The claimant established his claim on December 15, 2013. He reported wages of \$640.00 for the week ending December 21, 2013, and did not receive any benefits. For the weeks ending December 28, 2013, and January 4, 2014, he reported no wages. He did earn wages of \$435.36 for the week ending December 28, 2013, and \$290.24 for the week ending January 4, 2014.

REASONING AND CONCLUSIONS OF LAW:

The unemployment insurance law provides that a claimant is deemed partially unemployed if he is not employed at his usual hours and wages and earns less than his weekly benefit amount plus \$15.00 in other employment. Iowa Code § 96.19-38-b. The claimant is not eligible for benefits for the weeks ending December 21, 2013, and December 28, 2013. He is eligible for partial unemployment benefits for the week ending January 4, 2014.

An overpayment has been created by the decision in this case. This matter is remanded to the department for further action consistent with this decision.

DECISION:

The decision of the representative dated January 21, 2014, reference 01, is modified in favor of the appellant. Partial unemployment insurance benefits are allowed if the claimant is otherwise eligible for the week ending January 4, 2014. This case is remanded to the department for further action consistent with this decision.

Vicki L. Seeck
Administrative Law Judge

Decision Dated and Mailed

vls/pjs