

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MEGAN ARANDA THOMPSON
Claimant

APPEAL NO. 15A-UI-03403-NT

**ADMINISTRATIVE LAW JUDGE
DECISION**

IOWA WILD HOCKEY CLUB LLC
Employer

OC: 01/18/15
Claimant: Appellant (1)

Section 96.4(3) – Able and Available for Work/Still Employed Same Hours and Wages

STATEMENT OF THE CASE:

The claimant filed a timely appeal from a representative's decision dated March 13, 2015 (reference 01) which denied unemployment insurance benefits, effective January 18, 2015; finding that the claimant was still employed in her job part time, working the same hours and wages as in the original contract of hire. After due notice was provided, a telephone hearing was held on April 28, 2015. Claimant participated. The employer participated by Ms. Rachael Link, Human Resource Generalist.

ISSUE:

At issue in this matter is whether the claimant is still employed part time, with the same hours and wages as contemplated in the agreement of hire.

FINDINGS OF FACT:

The administrative law judge, having heard all of the testimony and considered all of the evidence in the record, finds: The claimant began employment with Iowa Wild Hockey Club LLC on July 3, 2013. Ms. Aranda Thompson was hired to work as a full-time graphic designer at that time and was paid at the rate of \$14.85 an hour. On August 29, 2014, the claimant requested to change her employment from full-time work to part-time work. The employer accepted the claimant's request. As of August 30, 2014, Ms. Aranda Thompson began working as a part-time, as-needed employee. Although the employer indicated that continuing work was available, there was no guarantee as to the minimum number of hours the claimant might be assigned to work each week as an "as-needed" worker. The claimant's pay, however, was increased to \$18 per hour. Later when business conditions changed, Ms. Aranda Thompson's working hours decreased and on or about January 18, 2015 the claimant made a claim for partial unemployment insurance benefits, based upon her reduced working hours.

REASONING AND CONCLUSIONS OF LAW:

The question is whether the evidence in the record establishes that Ms. Aranda Thompson is still employed in a part-time job in the same hours and wages contemplated in the contract of hire that was most recently agreed upon between the parties. It does.

Iowa Admin. Code r. 871-24.23(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 in this case was initially hired as a full-time worker but later requested to work part time for this employer. Effective August 30, 2014 the parties agreed that the claimant would begin working as a part-time, as-needed worker; with no guarantee as to the minimum number of hours that she might be assigned to work each week. Ms. Aranda Thompson understood this at the time of the most recent agreement of hire negotiated by the parties; and understood that her hours depended on the employer's needs each week. That has not changed. The claimant is disqualified from receiving partial unemployment insurance benefits because she remained employed at the same hours and continues to be paid at the same rate of pay or higher as agreed upon in the most recent agreement of hire between the parties. The claimant is not available for other work, due to her work with this employer.

DECISION:

The representative's decision dated March 13, 2015 (reference 01) is affirmed. The claimant is not eligible to receive unemployment insurance benefits as of January 18, 2015 because the claimant is still employed at the same hours and wages as agreed in the most recent agreement of hire between the parties.

Terence P. Nice
Administrative Law Judge

Decision Dated and Mailed

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