

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

PAMELA K HARVEY
Claimant

APPEAL NO: 12A-UI-09210-DT

**ADMINISTRATIVE LAW JUDGE
DECISION**

RM ENTERPRISES INC
Employer

OC: 10/02/11
Claimant: Appellant (1)

Section 96.19-38-b – Eligibility for Partial Unemployment Insurance Benefits
Section 96.4-3 – Able and Available

STATEMENT OF THE CASE:

Pamela K. Harvey (claimant) appealed a representative's July 25, 2012 decision (reference 06) that concluded she was not qualified to receive unemployment insurance benefits in conjunction with her employment with RM Enterprises (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on August 22, 2012. The claimant participated in the hearing. Rhonda Coburn appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUES:

Is the claimant employed by the employer for less than her usual hours and wages even though she remains able and available for work, and is she therefore eligible for full or partial unemployment insurance benefits?

FINDINGS OF FACT:

The employer is a temporary employment firm. The claimant began taking assignments with the employer on March 6, 2009. She worked an initial full time assignment through October 2010 and since has worked a series of shorter term assignments which have varied as to being full time or part time.

The claimant most recently established an unemployment insurance benefit year effective October 2, 2011. Her weekly benefit amount was calculated to be \$234.00. She most recently reopened her claim by filing an additional claim effective June 24, 2012. Since then, as of the date of the hearing she had filed weekly claims for the following weeks reporting the following wages earned in work performed for the employer:

| Benefit Week Ending | Wages Reported as Earned |
|---------------------|--------------------------|
| 06/30/12 | \$325.00 |
| 07/07/12 | \$320.00 |
| 07/14/12 | \$400.00 |
| 07/21/12 | \$400.00 |
| 07/28/12 | \$400.00 |
| 08/04/12 | \$329.00 |
| 08/11/12 | \$330.00 |
| 08/18/12 | \$337.00 |

REASONING AND CONCLUSIONS OF LAW:

The unemployment insurance law provides that a claimant is deemed partially unemployment insurance benefits if she is not employed at her usual hours and wages and earns less than her weekly benefit amount plus \$15.00 in other employment. Iowa Code §96.19-38-b. At least since June 24, 2012 the claimant has not been partially unemployed. Benefits are denied unless or until her hours and wages have reduced to the point where she is earning less than \$249.00 per week, if that is then due to the employer not providing her with her usual hours and wages.

DECISION:

The unemployment insurance decision dated July 25, 2012 (reference 06) is affirmed. The claimant is not eligible for partial unemployment insurance benefits for the period beginning June 24, 2012, until or unless her status changes in the future.

Lynette A. F. Donner
Administrative Law Judge

Decision Dated and Mailed

ld/pjs