

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

TROY W COTTRELL

Claimant

APPEAL NO. 15A-UI-00358-S2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

ECKELBERG FLOORCOVERING LLC

Employer

OC: 11/02/14

Claimant: Appellant (2)R

Iowa Code § 96.4(3) – Able and Available

STATEMENT OF THE CASE:

Troy Cottrell (claimant) appealed a representative's December 31, 2014, decision (reference 02) that concluded he was not eligible to receive unemployment insurance benefits because he is still employed in his job for the same hours and wages as he was hired by Eckelberg Floorcovering (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for February 25, 2015. The employer did not provide a telephone number where it could be reached and therefore, did not participate in the hearing.

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 in the summer of 2014, as a full-time seasonal apprentice. He normally works from March through December. He filed for unemployment insurance benefits on November 2, 2014. The employer required him to take unpaid apprenticeship training for the one-week period ending November 8, 2014, the one-week period ending January 10, 2015, and the week ending February 14, 2015. He was laid off for lack of work for the week ending February 21, 2015.

REASONING AND CONCLUSIONS OF LAW:

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.

During the weeks the claimant is attending his mandatory schooling, he is not working the same hours and wages as was agreed to at the time he was hired. The claimant is qualified to receive unemployment insurance benefits for the one-week period ending November 8, 2014, the one-week period ending January 10, 2015, and the week ending February 14, 2015.

The issue of the claimant's separation from employment is remanded for determination.

DECISION:

The representative's December 31, 2014, decision (reference 02) is reversed. The claimant is qualified to receive unemployment insurance benefits for the one-week period ending November 8, 2014, the one-week period ending January 10, 2015, and the week ending February 14, 2015. The issue of the claimant's separation from employment is remanded for determination.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/pjs