

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MARIA CORTEZ
Claimant

APPEAL NO: 14A-UI-13443-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

IMKO ENTERPRISES INC
Employer

OC: 11/23/14
Claimant: Appellant (2/R)

Iowa Code § 96.4(3) – Able to and Available for Work

PROCEDURAL STATEMENT OF THE CASE:

The claimant appealed a representative's December 18, 2014 determination (reference 02) that held her ineligible to receive benefits as of November 23, 2014, because she was not considered unemployed. The claimant participated at the January 23, 2015 hearing. The employer did not respond to the hearing notice or participate at the hearing. Anna Pottebaum interpreted the hearing. Based on the evidence, the claimant's arguments, and the law, the administrative law judge concludes the claimant is eligible to receive benefits as of November 23, 2014.

ISSUES:

Is the claimant able to and available for work as of November 23, 2014?

Is the claimant partially unemployed as of November 23, 2014?

FINDINGS OF FACT:

The employer hired the claimant in July 2014 to work full time. The employer temporarily laid off the claimant from work from November 21 through December 15, 2014.

The claimant established a claim for benefits during the week of November 23. She filed claims for the weeks ending November 29 through December 13, 2014. She reported \$56 in wages for the week ending November 29 and zero wages for the weeks ending December 6 and 13, 2014. The claimant returned to work on December 16, 2014.

REASONING AND CONCLUSIONS OF LAW:

Each week a claimant files a claim for benefits, she must be able to and available for work. Iowa Code § 96.4(3). The law the representative relied upon applies to part-time employment, not full-time employment. The facts establish the claimant was hired to work full time in July and was on a temporary layoff from November 23 through December 15, 2014. In this case, the claimant was available for work, but the employer did not have work for her to do these weeks.

As a result, the claimant is eligible to receive benefits for the weeks ending November 29 through December 13, 2014.

After the claimant returned to work on December 16, the administrative record indicates she earned more in wages than her maximum weekly benefit amount during the week ending December 20. As a result, she is not eligible to receive benefits for this week. But for the week ending December 27, the claimant earned less than her weekly benefit amount and may be eligible to receive partial benefits for this week. Iowa Code § 96.19(38)b. The issue of whether the claimant is eligible to receive partial benefits and the amount she is entitled to receive will be remanded to the Benefits Bureau to determine.

DECISION:

The representative's December 18, 2014 determination (reference 02) is reversed. The claimant is eligible to receive benefits as of November 23, 2014, for any week in which she earns less than \$260 because she was hired to work full time and as of November 23, 2014, she was on a temporary layoff.

The issue of the amount of partial benefits the claimant is entitled to receive for the week ending December 27 is **Remanded** to the Benefits Bureau to determine.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/pjs