

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MICHAEL J SIMPSON
Claimant

APPEAL NO. 12A-UI-08166-S2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

COMMAND CENTER INC
Employer

OC: 04/01/12
Claimant: Appellant (1)

Section 96.4-3 – Able and Available

STATEMENT OF THE CASE:

Michael Simpson (claimant) appealed a representative's June 29, 2012 decision (reference 01) that concluded he was not eligible to receive unemployment insurance benefits based on his work with Command Center (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for July 31, 2012. The claimant participated personally. The employer participated by Daniel Aguilera, Branch Manager.

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 on August 4, 2011, as a part-time general laborer. He consistently works for the employer in the same manner as he did when he was hired.

REASONING AND CONCLUSIONS OF LAW:

871 IAC 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 was hired as a part-time worker and is still working for the employer in that manner. The claimant is disqualified from receiving unemployment insurance benefits because he is still employed in his job in the same manner as when he was hired.

DECISION:

The representative's June 29, 2012 decision (reference 01) is affirmed. The claimant is disqualified from receiving unemployment insurance benefits because he is not available for work.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/pjs