

ISSUE:

As of August 7, 2005, is the claimant working part time for the employer?

FINDINGS OF FACT:

The claimant started working for the employer in January 2005. Stanford became the general manager at the location the claimant worked in June 2005. When Stanford started in June, the claimant worked 25 hours a week as a crew person.

The claimant's job performance was not satisfactory. The employer reduced her hours to 15 and then 6 hours a week. The claimant improved her performance and the employer decided to increase her hours back to 25 hours a week. The employer talked to the claimant before this was done. The first week the claimant would have been working 25 hours a week again was the week of August 1.

The last day the claimant worked was August 5. The claimant was scheduled to work after August 5 but she did not call or report to work. The claimant's sister-in-law, the assistant manager, quit working for the employer about this same time. When the claimant picked up her paycheck the following week, she did not indicate why she failed to report to work or failed to call the employer. The claimant signed a termination paper indicating she no longer had a job because she was a no-call, no-show for three days.

The claimant established a claim for unemployment insurance benefits during the week of August 7, 2005. The claimant filed a claim for benefits this week and received \$62.00 in benefits.

REASONING AND CONCLUSIONS OF LAW:

The issue for this hearing is whether the claimant is still employment as a part-time employee and eligible to receive unemployment insurance benefits. The facts establish the claimant's last day of work was August 5, 2005. Although the claimant was scheduled to work after August 5, she did not report to work or notify the employer she was unable to work as scheduled. The claimant's employment ended as of August 5, 2005. Since the claimant did not establish a claim for benefits until August 7 when she no longer worked for the employer, the issue that was to be addressed in the hearing is moot because as of August 7 the claimant no longer worked for the employer. Instead, the reasons for the claimant's employment separation must be examined. This matter is remanded to the Claims Section to investigate and issue a written decision as to whether the claimant is qualified to receive unemployment insurance benefits as of August 7 based on the reasons for her employment separation.

DECISION:

The representative's September 8, 2005 decision (reference 02) is reversed in that as of August 7, the claimant was not still working part time for the employer. The claimant's employment ended on August 5. The issue of whether the claimant is qualified to receive unemployment insurance benefits as of August 7 based on the reasons for her employment separation is remanded to the Claims Section to investigate and issue a written decision.

dlw/pjs