

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

ANDREW M NOLL
Claimant

SIGNTEC INC
Employer

APPEAL 22A-UI-03351-ED-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 12/12/21
Claimant: Respondent (2)

Iowa Code § 96.4(3) – Able and Available
Iowa Admin. Code r. 871-24.23(26) – Able & Available – Part time, same hours and wages

STATEMENT OF THE CASE:

The employer/appellant filed an appeal from the January 12, 2022 (reference 01) unemployment insurance decision that found claimant was eligible for unemployment benefits because he was still employed for the same hours and wages as in his original contract of hire. The parties were properly notified of the hearing. A telephone hearing was held on May 19, 2022. The claimant, Andrew Noll, did not participate. The employer, Signtec Inc, participated through Anna Miller. The administrative law judge took administrative notice of the claimant's unemployment insurance benefits file including the fact finding documents.

ISSUES:

Is the claimant able to work and available for work effective December 21, 2021?
Is claimant employed for the same hours and wages?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The facts in this matter are undisputed. Claimant was employed part-time for this employer from March 20, 2017 and remains employed. Claimant is a shop hand and he typically worked 20-30 hours per month but was not guaranteed a minimum number of hours at the time of his hire. Claimant was not laid off due to lack of work.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes as follows:

Iowa Code § 96.4(3) provides:

An unemployed individual shall be eligible to receive benefits with respect to any week only if the department finds that:

3. The individual is able to work, is available for work, and is earnestly and actively seeking work. This subsection is waived if the individual is deemed partially

unemployed, while employed at the individual's regular job, as defined in section 96.19, subsection 38, paragraph "b", subparagraph (1), or temporarily unemployed as defined in section 96.19, subsection 38, paragraph "c". The work search requirements of this subsection and the disqualification requirement for failure to apply for, or to accept suitable work of section 96.5, subsection 3, are waived if the individual is not disqualified for benefits under section 96.5, subsection 1, paragraph "h".

Iowa Admin. Code r. 871-24.23(26) provides:

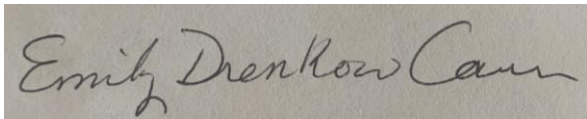
Availability disqualifications. The following are reasons for a claimant being disqualified for being unavailable for work.

(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.

The claimant is still employed in his part-time job at the same hours and wages as contemplated in his original contract for hire as of December 12, 2021.

DECISION:

The January 12, 2022 (reference 01) decision is reversed. Claimant is still employed in his part-time job at the same hours and same wages as in his original contract of hire and is therefore not partial unemployed as of December 12, 2021.

A handwritten signature in cursive script that reads "Emily Drenkow Carr". The signature is written in dark ink on a light-colored, slightly textured background.

Emily Drenkow Carr
Administrative Law Judge

June 29, 2022
Decision Dated and Mailed

ed/mh