

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CAROL L GRIMM
Claimant

APPEAL NO: 17A-UI-05004-S1-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

MIDWEST VETERINARY SUPPLY INC
Employer

OC: 04/09/17
Claimant: Appellant (1)

Section 96.4-3 – Able and Available

STATEMENT OF THE CASE:

Carol Grimm (claimant) appealed a representative's May 4, 2017, decision (reference 01) that concluded she was not eligible to receive unemployment insurance benefits because she was working too many hours with Midwest Veterinary Supply (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for May 30, 2017. The claimant participated personally. The employer participated by Jackie Haller, Human Resources Manager.

ISSUE:

The issue is whether the claimant is able and available 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 February 14, 1989, as a full-time employee. In 2015, the claimant agreed to work as a part-time warehouse worker. The claimant filed for unemployment insurance benefits in previous years. She filed a claim for benefits again on April 9, 2017, but there was no change in her circumstances. During her base period of employment she only had part-time wages from the employer.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow the administrative law judge concludes the claimant is still employed at the same hours and wages as her original contract for hire in 2015.

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 was hired in 2015, as a part-time worker. She is still employed in a part-time position as was agreed to at the time she was hired. The claimant is not considered unemployed. She is disqualified for being unavailable for work.

DECISION:

The representative's May 4, 2017, decision (reference 01) is affirmed. The claimant is not considered partially unemployed. She is disqualified for being unavailable for work.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/rvs