

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MANSOUR VAHID

Claimant

APPEAL NO: 15A-UI-01307-S2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

ACE AMERICAN INSURANCE COMPANY

Employer

OC: 12/28/14

Claimant: Appellant (1)

Section 96.4-3 – Able and Available

STATEMENT OF THE CASE:

Mansour Vahid (claimant) appealed a representative's January 27, 2015, decision (reference 01) that concluded he was not eligible to receive unemployment insurance benefits based on his employment with Ace American Insurance Company (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for February 25, 2015. The claimant participated personally. The employer was represented by RoxAnne Rose, Hearings Representative, and participated by Greg West, Territory 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 August 19, 2013, as a full-time territory manager working at least 40 hours per week. He had a guaranteed income of \$500.00 per week plus commission. On November 1, 2014, the employer made the claimant an account executive and the claimant accepted the position. The claimant had no guaranteed weekly income. He worked 40 hours per week or more for commission only. The claimant's income was reduced and he filed for unemployment insurance benefits with an effective date of December 28, 2014. He continues to work 40 or more hours per week.

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 his original contract for hire as an account executive.

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 as a full-time worker. He is still employed in a full-time position as was agreed to at the time he was hired on November 1, 2014. The claimant is not considered unemployed. He is disqualified for being unavailable for work.

DECISION:

The representative's January 27, 2015, decision (reference 01) is affirmed. He is disqualified for being unavailable for work.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/pjs