

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

EARL A JONES

Claimant

APPEAL NO. 12A-UI-11886-LT

**ADMINISTRATIVE LAW JUDGE
DECISION**

COMCAST SPECTACOR LP

GLOBAL SPECTRUM LP

Employer

OC: 07/22/12

Claimant: Appellant (1)

Iowa Code § 96.4(3) – Ability to and Availability for Work

STATEMENT OF THE CASE:

The claimant filed an appeal from the August 16, 2012 (reference 03) decision that denied benefits. After due notice was issued, a hearing was held by telephone conference call on October 29, 2012. Claimant participated. Employer participated through human resources manager, Katie Johnson.

ISSUE:

Is the claimant considered unemployed?

FINDINGS OF FACT:

Having heard the testimony and having reviewed the evidence in the record, the administrative law judge finds: The claimant is a union member and is assigned work when the employer or other businesses require a union stage hand. The claimant performs the same kind of work at other entertainment venues. The claimant established a claim for unemployment insurance benefits during the wages credits from several such employers in the base period and has no regular full-time wages in the base period.

REASONING AND CONCLUSIONS OF LAW:

The law states an individual whose wage credits earned in the base period of the claim consisting exclusively of wages credits by performing on-call work during the base period, is not considered an unemployed individual within the meaning of Iowa Code § 96.19(38) a and b. Iowa Admin. Code r. 871-24.22(2)i(3).

Because claimant was hired to work only on-call or as needed, he is not considered to be unemployed within the meaning of the law. When an individual is hired to work on-call, the implied agreement is that they will only work when work is available and that work will not be regularly available. Therefore, any diminution in hours is directly related to the on-call status or a claimant works only when work is available, since no regular hours are guaranteed. For

unemployment insurance purposes, the claimant is not eligible to receive unemployment insurance benefits because he knew he would only work when work was available.

DECISION:

The August 16, 2012 (reference 03), decision is affirmed. For unemployment insurance benefit purposes, the claimant is not unemployed because he has worked and continues to work as an on-call employee. Therefore, as of July 22, 2012, the claimant is not eligible to receive unemployment insurance benefits.

Dévon M. Lewis
Administrative Law Judge

Decision Dated and Mailed

dml/css