

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**SHELBY L HAUGEN**  
Claimant

**APPEAL NO. 11A-UI-11817-JTT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**L A LEASING INC  
SEDONA STAFFING**  
Employer

**OC: 07/24/11  
Claimant: Appellant (1)**

Iowa Code Section 96.4(3) – Still Employed Same Hours and Wages

**STATEMENT OF THE CASE:**

Shelby Haugen filed a timely appeal from the August 30, 2011, reference 01, decision that denied benefits effective July 24, 2011 based on an Agency conclusion that she was not partially unemployed from the above employer. After due notice was issued, a hearing was held on September 30, 2011. Ms. Haugen participated. Chad Baker represented the employer and presented testimony through Kathy Hutchison.

**ISSUES:**

Whether Ms. Shelby has been partially unemployed from her employment at any time since she established her claim for unemployment insurance benefits.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Shelby Haugen established a claim for benefits that was effective July 24, 2011. Ms. Haugen established the claim for benefits in connection with a reduction in her full-time work hours during the week that ended July 16, 2011. Ms. Haugen was temporarily laid off from a full-time temporary work assignment for part of Tuesday, July 12, and all day Wednesday and Thursday, July 13-14. Ms. Haugen returned to work on Friday, July 15 and has continued in the full-time hours since that time.

**REASONING AND CONCLUSIONS OF LAW:**

Iowa Code section 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", unnumbered paragraph 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".

An individual shall be deemed partially unemployed in any week in which, while employed at the individual's then regular job, the individual works less than the regular full-time week and in which the individual earns less than the individual's weekly benefit amount plus fifteen dollars. Iowa Code section 96.19(38)(b).

The evidence establishes that Ms. Haugen was temporarily laid off and partially unemployed during the week that ended July 16, 2011. This week predated her claim for unemployment insurance benefits, which was effective July 24, 2011. By the time Ms. Haugen established her claim for benefits, she had already returned to the full-time work. Because Ms. Haugen has been working full-time for the employer since the effective date of her claim for benefits, she would not be "available for work" for unemployment insurance purposes and would not be partially unemployed at any point since her claim was effective. Benefits are denied effective July 24, 2011.

**DECISION:**

The Agency representative's August 30, 2011, reference 01, decision is affirmed. The claimant has not been "available for work" or partially unemployed since establishing her claim for benefits. Accordingly, the claimant is not eligible for benefits effective July 24, 2011, the effective date of her claim.

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James E. Timberland  
Administrative Law Judge

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Decision Dated and Mailed

jet/pjs