

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**GWENDOLYN MURRAY**  
Claimant

**APPEAL NO: 13A-UI-13989-BT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**REMEDY INTELLIGENT STAFFING INC**  
Employer

**OC: 11/10/13**  
**Claimant: Appellant (1)**

Iowa Code § 96.4-3 - Able and Available for Work

**STATEMENT OF THE CASE:**

Gwendolyn Murray (claimant) appealed an unemployment insurance decision dated December 12, 2013, reference 02, which held that she was not eligible for unemployment insurance benefits because she is still employed with Remedy Intelligent Staffing, Inc. (employer) at the same hours and wages as in her original contract of hire. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on January 14, 2014. The claimant did not comply with the hearing notice instructions and did not call in to provide a telephone number at which she could be contacted, and therefore, did not participate. The employer participated through Augusta Zapó Kruger, Staffing Consultant.

**ISSUE:**

The issue is whether the claimant is able and available to work and/or whether she is working the same hours and wages as in her original contract of hire with this employer.

**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 October 15, 2012 as a temporary full-time material handler and she worked through December 15, 2012 when she was laid off her assignment. She was not eligible for rehire with that client. The claimant was assigned to work at General Mills and she is eligible to work up to 40 hours per week. The number of hours worked per week depends on the particular employee and whether they make themselves available for work. In fact, many employees assigned to this employer work 60 hours per week. The claimant continues to work at this assignment but is not making herself available for full-time hours.

**REASONING AND CONCLUSIONS OF LAW:**

The issue to be determined is whether the claimant is able and available and/or whether she is still employed with the employer for the same hours and wages as contemplated in the original contract of hire.

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 § 96.19(38)(b).

The claimant was hired as a temporary full-time material handler. She is not making herself available for full-time hours even though full-time hours are available to her. The claimant does not meet the availability requirements of the law and benefits are denied.

**DECISION:**

The unemployment insurance decision dated December 12, 2013, reference 02, is affirmed. The claimant does not qualify for unemployment insurance benefits.

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Susan D. Ackerman  
Administrative Law Judge

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Decision Dated and Mailed

sda/pjs