

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ROGER W PERRY
Claimant

APPEAL NO. 15A-UI-11879-B2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

L A LEASING INC
Employer

OC: 09/13/15
Claimant: Appellant (1)

Iowa Code § 96.4-3 – Able and Available

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated October 14, 2015, reference 02, which held claimant not able and available for work. After due notice, a hearing was scheduled for and held on November 13, 2015. Claimant participated personally. Employer participated by Colleen McGuinty and Kathy Hutchinson.

ISSUES:

The issues are whether claimant is still employed at the same hours and wages and partially unemployed.

FINDINGS OF FACT:

The claimant currently works for employer under the same terms and conditions as contemplated in the original contract of hire. Claimant was hired on September 14, 2015 and has worked for employer since that time. Claimant is not partially unemployed as he is working full time for employer.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code § 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 § 96.19, subsection 38, paragraph "b", unnumbered paragraph 1, or temporarily unemployed as defined in § 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 § 96.5, subsection 3 are waived if the individual is not disqualified for benefits under § 96.5, subsection 1, paragraph "h".

Because the claimant is currently working full time for employer, he is not able and available for work. As such, he is not eligible for unemployment benefits.

DECISION:

The October 14, 2015, reference 02, decision is affirmed. The claimant is not unemployed and benefits are denied.

Blair A. Bennett
Administrative Law Judge

Decision Dated and Mailed

bab/css