

IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI

BRENDA M HASSIN
1105 HAMILTON AVE
GRINNELL IA 50112

GRINNELL DAY CARE CENTER INC
PO BOX 592
GRINNELL IA 50112

Appeal Number: 05A-UI-08032-S2T
OC: 07/03/05 R: 02
Claimant: Appellant (1)

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319**.

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.4-3 – Able and Available

STATEMENT OF THE CASE:

Brenda Hassin (claimant) appealed a representative's August 3, 2005 decision (reference 02) that concluded she was not eligible to receive unemployment insurance benefits because she was still employed with Grinnell Day Care Center (employer) at the same hours and wages as was contemplated at the time she was hired. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on August 23, 2005. The claimant participated personally. The employer participated by Karen Hunt, Director.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and having considered all of the evidence in the record, finds that: The claimant was hired on June 30, 2005, as an on-call

substitute teacher's aid. The claimant was not guaranteed any hours per week. The claimant last worked for the employer on July 14, 2005. The employer did not have a need for a substitute teacher's aid after July 14, 2005. On August 10, 2005, the claimant took other employment.

REASONING AND CONCLUSIONS OF LAW:

The issue is whether the claimant is disqualified for being unavailable for work. For the following reasons the administrative law judge concludes she is.

871 IAC 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 an on-call worker and was still working as an on-call worker for the employer until she took other employment. The claimant was still employed in an on-call position as was agreed to at the time she was hired. The claimant is disqualified from receiving unemployment insurance benefits.

DECISION:

The representative's August 3, 2005 decision (reference 02) is affirmed. The claimant is disqualified from receiving unemployment insurance benefits.

bas/kjw