

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

PAUL P KHAI
Claimant

APPEAL NO: 14A-UI-03281-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

JACOBSON STAFFING COMPANY LC
Employer

OC: 10/20/13
Claimant: Appellant (1/R)

Iowa Code § 96.4(3) – Able to and Available for Work

PROCEDURAL STATEMENT OF THE CASE:

The claimant appealed a representative's March 24, 2014 determination (reference 02) that held the claimant ineligible to receive benefits as of February 23, 2013, because he was still working the same hours and wages that he had been hired to work. The claimant participated at the April 17, hearing. Prior to the hearing, the Employer informed the Appeals Bureau it was not going to participate at the hearing. Benjamin Aung interpreted in the hearing. Based on the evidence, the claimant's arguments, and the law, the administrative law judge concludes the claimant is not eligible to receive benefits as of February 23, 2014.

ISSUES:

As of February 23, 2014, is the claimant working the same hours and wages that the employer hired him to work?

As of February 23, 2014, is the claimant able to and available for work?

FINDINGS OF FACT:

The claimant started working for the employer in June 2011. The week of February 23, 2014, the claimant requested a one-week leave of absence. The employer granted this request. The claimant returned to work the week of March 2, 2014 and worked full time.

The claimant reopened his claim for benefits during the week of February 23, 2014. Claims were filed on the claimant's behalf for the weeks ending February 28 and March 7, 2014.

REASONING AND CONCLUSIONS OF LAW:

Each week a claimant files a claim for benefits, he must be able to and available for work. Iowa Code § 96.4(3). The claimant requested a week's leave during the week of February 23. The regulations stated a claimant is not eligible to receive benefits when he requests and is granted a leave of absence. 871 IAC 24.23(10). As a result, he is not eligible to receive benefits for the week ending February 28, 2014.

The claimant then testified that he returned to work the week of March 2 worked full time. The claimant was not unemployed the week ending March 7. Therefore, he is not eligible to receive benefits for this week either.

The record indicated the claimant received benefits for the weeks ending February 28 and March 7, 2014. The issue of overpayment of benefits for these two weeks must be remanded to the Claims Section to determine.

DECISION:

The representative's March 24, 2014 determination (reference 02) is affirmed. The claimant is not eligible to receive benefits as of February 23, 2014. He is not eligible to receive benefits for the weeks ending February 28 and March 7, 2014.

The issue of overpayment of benefits for the weeks ending February 28 and March 7, 2014 is Remanded to the Benefits Bureau to determine.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/pjs