

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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

**TYANN B BAILEY**  
Claimant

**APPEAL NO. 15A-UI-10542-S1-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**TRANSWORLD SYSTEMS INC**  
Employer

**OC: 08/30/15**  
**Claimant: Respondent (1)**

Iowa Code § 96.4(3) – Able and Available  
871 IAC 24.22(2)f – Part-Time Worker – Able and Available

**STATEMENT OF THE CASE:**

Transworld Systems (employer) appealed a representative's September 10, 2015, decision (reference 01) that concluded Tyann Bailey (claimant) was eligible to receive unemployment insurance benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on October 2, 2015. The claimant did not provide a telephone number where she could be reached and, therefore, did not participate. The employer participated by Ryan Carroll, Senior Human Resources Business Partner.

**ISSUE:**

The issue is whether the claimant is disqualified for being unavailable for work. .

**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 August 19, 2013, as a full-time collector. The claimant requested family medical leave (FMLA) and disability leave. The employer's insurance company, Signa, denied the request. The claimant asked the employer for a leave of absence and the employer granted the request from July 27 through September 2, 2015. On September 2, 2015, the claimant was separated from employment.

The claimant filed for unemployment insurance benefits with an effective date of August 30, 2015. A representative's September 21, 2015, decision (reference 03) that concluded the claimant was eligible to receive unemployment insurance benefits as of August 30, 2015, because she was able and available for work.

**REASONING AND CONCLUSIONS OF LAW:**

Iowa Admin. Code r. 871-24.23(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 is no longer working for the employer at the same hours and wages. She is able and available for work as indicated in representative's September 21, 2015, decision (reference 03). Benefits are allowed, provided claimant is otherwise eligible.

**DECISION:**

The representative's September 10, 2015, decision (reference 01) is affirmed. Benefits are allowed, provided claimant is otherwise eligible.

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Beth A. Scheetz  
Administrative Law Judge

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Decision Dated and Mailed

bas/css