

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

RODRIGUZ K YOUNG
Claimant

APPEAL NO. 16A-UI-05342-B2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

AEROTEK INC
Employer

OC: 01/10/16
Claimant: Appellant (1)

Iowa Admin. Code r. 871-24.23(26) – Part-Time Worker – Same Wages and Hours
Iowa Code § 96.4-3 – Able and Available

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated May 6, 2016, reference 05, which held claimant not able and available for work. After due notice, a hearing was scheduled for and held on May 24, 2016. Claimant participated personally. Employer participated by Whitney Wolf and Nate Wright-Simmons.

ISSUE:

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 Aerotek, a base period employer, under the same terms and conditions as contemplated in the original contract of hire. Claimant stated that there was confusion in this matter and wished to not go forward with his appeal of the fact finding decisions entered in this matter.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant is not partially unemployed.

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 section 96.19, subsection 38, paragraph "b", unnumbered paragraph 1, or temporarily unemployed as

defined in section 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 section 96.5, subsection 3 are waived if the individual is not disqualified for benefits under section 96.5, subsection 1, paragraph "h".

Because the claimant has requested that this matter not go forward, and claimant has admitted that he is still employed by Aerotek under the same terms and conditions as when he was hired, this appeal will be dismissed. Benefits are denied.

DECISION:

The May 6, 2016, reference 05, decision is affirmed. The claimant is currently employed under the same terms and conditions as originally contemplated, and benefits are denied.

Blair A. Bennett
Administrative Law Judge

Decision Dated and Mailed

bab/pjs