

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

MARY MEEKER
Claimant

**PBI-TECH LLC
BRIDGES**
Employer

APPEAL NO. 14A-UI-04871-BT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 04/13/14
Claimant: Appellant (1)**

Iowa Code § 96.4-3 - Able and Available for Work

STATEMENT OF THE CASE:

Mary Meeker (claimant) appealed an unemployment insurance decision dated May 7, 2014, (reference 01), which held that she was not eligible for unemployment insurance benefits because she is still working at the same hours and wages with Bridges (employer) as in her original contract of hire. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on May 30, 2014. The claimant participated in the hearing. The employer participated through Rodney Anderson, Operations Director.

ISSUE:

The issue is whether the claimant is working the same hours and wages as in her original contract of hire with this employer.

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 as a part-time cook on July 23, 2012, with no guarantee of hours. Her hours vary dependent upon the employer's needs but she continues to work in that same capacity. The claimant has worked many more hours than she is currently receiving and believes the employer guaranteed 20 hours per week because he filled out a document so she could get food stamps and indicated she worked between 20 to 30 hours per week. The employer said he has filled out many such requests and the requests are typically time specific so he completed the documents accordingly. However, he denied that it was a guarantee of hours to the claimant.

REASONING AND CONCLUSIONS OF LAW:

The issue to be determined is whether the claimant is still employed with the employer for the same hours and wages as contemplated in the original contract of hire. The availability requirement is satisfied when a claimant is willing, able and ready to accept suitable work, does not have good cause to refuse the work and is genuinely attached to the labor market. See 871 IAC 24.22(2).

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. 871 IAC 24.23(26).

The claimant was hired as a part-time cook with no guarantee of hours. There has been no separation from her part-time employment and the claimant is currently working for this employer at the same hours and wages as contemplated in her original contract of hire. Benefits are denied.

DECISION:

The unemployment insurance decision dated May 7, 2014, (reference 01) is affirmed. The claimant continues to be employed part-time in the same hours and wages as contemplated in the original agreement of hire. Partial unemployment insurance benefits are denied.

Susan D. Ackerman
Administrative Law Judge

Decision Dated and Mailed

sda/pjs