

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

TERESA L MASON
1375 HARRISON ST
WARSAW IL 62379

WAL-MART STORES INC
c/o TALK UC EXPRESS
PO BOX 283
ST LOUIS MO 63166-0283

Appeal Number: 06A-UI-01858-CT
OC: 01/01/06 R: 04
Claimant: Appellant (2)

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
Section 96.7(2)a(2) – Relief from Charges

STATEMENT OF THE CASE:

Teresa Mason filed an appeal from a representative's decision dated February 7, 2006, reference 01, which denied benefits on a finding that she was still employed under the same terms and conditions as hired. After due notice was issued, a hearing was held by telephone on March 6, 2006. Ms. Mason participated personally. The employer participated by Debbie Kisor, Personnel Manager.

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having reviewed all of the evidence in the record, the administrative law judge finds: Ms. Mason has been employed by Wal-Mart since

October 7, 2003. She began as a temporary worker and became a permanent, part-time worker on December 26, 2003. At that time, she was also working full time for Big River Box, where she continued to work until October of 2004. Ms. Mason began full-time employment with Keokuk Steel Castings on July 11, 2005. At that point, she limited her availability to work at Wal-Mart to weekends only. Ms. Mason filed a claim for job insurance benefits effective January 1, 2006 due to a short-term layoff from Keokuk Steel Castings.

REASONING AND CONCLUSIONS OF LAW:

At issue in this matter is whether Ms. Mason satisfied the availability requirements of Iowa Code section 96.4(3) as of January 1, 2006. She filed for benefits due to layoff from her regular, full-time employer. She remained available to work her normal hours at both her full-time and her part-time jobs. The administrative law judge concludes that she was available for work within the meaning of the law as of January 1, 2006.

Ms. Mason's work for Wal-Mart was supplemental to her full-time employment with Keokuk Steel Castings. Inasmuch as she is being provided the same employment as during a portion of her base period, Wal-Mart is entitled to a relief from benefit charges pursuant to Iowa Code section 96.7(2)a(2).

DECISION:

The representative's decision dated February 7, 2006, reference 01, is hereby reversed. Ms. Mason satisfied the availability requirements of the law effective January 1, 2006. Benefits are allowed, provided she satisfies all other conditions of eligibility, but shall not be charged to the account of Wal-Mart.

cfc/kkf