

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**RANDALL A MORIARTY**  
Claimant

**APPEAL NO. 11A-UI-07598-S2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**EMPLOYMENT CONNECTIONS INC**  
Employer

**OC: 01/02/11  
Claimant: Respondent (2/R)**

Section 96.4-3 – Able and Available

**STATEMENT OF THE CASE:**

Employment Connections (employer) appealed a representative's June 7, 2011 decision (reference 01) that concluded Randall Moriarty (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 scheduled for July 7, 2011. The claimant did not provide a telephone number for the hearing and, therefore, did not participate. The employer participated by Deborah Lenz, Sales and Branch Manager.

**ISSUE:**

The issue is whether the claimant is able and available 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 April 8, 2011, as a temporary full-time assembly and production worker assigned to work at Pure Fishing. The claimant filed for unemployment insurance benefits with an effective date of May 1, 2011. At that time the claimant was still employed full-time. On May 20, 2011, the claimant resigned to seek other employment.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow the administrative law judge concludes that on May 1, 2011, the claimant was still employed at the same hours and wages as his original contract for hire.

871 IAC 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 was hired as a full-time worker. He was still employed in a full-time position as was agreed to at the time he was hired from May 1 through 20, 211. The claimant is not considered unemployed. He is disqualified for being unavailable for work. The issue of the claimant's separation is remanded.

**DECISION:**

The representative's June 7, 2011 decision (reference 01) is reversed. The claimant is not considered partially unemployed. He is disqualified for being unavailable for work. The issue of the claimant's separation is remanded.

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Beth A. Scheetz  
Administrative Law Judge

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Decision Dated and Mailed

bas/pjs