

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CORY A CRUSE
Claimant

APPEAL NO: 13A-UI-14075-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

REMEDY INTELLIGENT STAFFING INC
Employer

**OC: 11/17/13
Claimant: Respondent (1)**

Iowa Code § 96.19(38)b – Partially Unemployed

PROCEDURAL STATEMENT OF THE CASE:

The employer appealed a representative's December 19, 2013 determination (reference 02) that held him eligible to receive benefits even though he was working part time. The claimant did not respond to the hearing notice or participate at the January 15 hearing. Julie Coughlin, the branch manager, appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge finds the claimant eligible to receive benefits as of November 17, 2013.

ISSUE:

As of November 17 is the claimant working reduced hours and eligible to receive partial benefits?

FINDINGS OF FACT:

The claimant started working of the employer in May 2007. The claimant established a claim for benefits during the week of November 17, 2013. When the claimant works at an assignment, the employer pays him \$8.00 an hour. During his base period, the claimant earned an average weekly wage of 263.00.

The claimant reported the following weekly wages:

Week ending	Wages Reported
11/23/13 CLEAR	00
11/30/13 OVER15	118
12/07/13 OVER15	72
12/14/13 OVER15	192
12/21/13 OVER15	92
12/28/13 OVER15	72
01/04/14 OVER15	94
01/11/14 OVER15	40
01/18/14 OVER15	64

REASONING AND CONCLUSIONS OF LAW:

When a claimant is still employed in a part-time job at the same hours and wages as contemplated in the contract for hire and is not working a reduced workweek, he is not partially unemployed. 871 IAC 24.23(26). Since the claimant's average weekly wage in his base period is \$263.00, the evidence establishes that as of November 17 he was working a reduced workweek. As a result, he is eligible to partial benefits as of November 17, 2013. Any week that the claimant earns gross wages of less than \$163.00, he is potentially eligible to receive partial benefits for that week.

DECISION:

The representative's December 19, 2013 determination (reference 02) is affirmed. As of November 17, 2013, the claimant is eligible to receive benefits.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/css