

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

68-0157 (9-06) - 3091078 - EI	
HEATHER M GERMUNDSON Claimant A & N OF RIVER CITY INC Employer	APPEAL NO. 08A-UI-07804-S2T ADMINISTRATIVE LAW JUDGE DECISION OC: 06/08/08 R: 02 Claimant: Respondent (4)

Section 96.4-3 – Able and Available

STATEMENT OF THE CASE:

A & N of River City (employer) appealed a representative's August 22, 2008 decision (reference 01) that concluded Heather Germundson (claimant) was discharged and there was no evidence of willful or deliberate misconduct. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for September 15, 2008. The claimant participated personally. The employer participated by Nancy Carroll, Owner/Operator.

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 22, 2008, as a part-time crew member. The claimant was laid off from work from June 8 to 13, 2008, due to the flood.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow the administrative law judge concludes the claimant is eligible to receive unemployment insurance benefits.

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 part-time worker. She is still employed in a part-time position as was agreed to at the time she was hired. The claimant was laid off due to flooding issues. She is eligible to receive unemployment insurance benefits. The employer's account will not be charged.

DECISION:

The representative's August 22, 2008 decision (reference 01) is modified in favor of the appellant. The claimant is still employed at the same hours and wages. The employer's account will not be charged.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/pjs