

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**JANET M RETTENMAIER**  
Claimant

**APPEAL NO. 12A-UI-14094-S2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**HILLCREST FAMILY SERVICES**  
Employer

**OC: 06/17/12**  
**Claimant: Appellant (1)**

Section 96.4-3 – Able and Available

**STATEMENT OF THE CASE:**

Janet Rettenmaier (claimant) appealed a representative's November 20, 2012 decision (reference 03) that concluded she was not eligible to receive unemployment insurance benefits because she is still employed in her job for the same hours and wages as she was hired by Hillcrest Family Services (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on January 3, 2013. The claimant participated personally. The employer participated by Shannon Hagensten, Human Resource Generalist.

**ISSUE:**

The issue is whether the claimant is disqualified for being unavailable 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 August 1, 2012, as a part-time on-call substitute teacher. She continues to work as a part-time on-call substitute teacher when work is available.

**REASONING AND CONCLUSIONS OF LAW:**

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 and is still working part-time for the employer. She is still employed in a part-time position as was agreed to at the time she was hired. The claimant is disqualified from receiving unemployment insurance benefits because she is still employed with this employer.

**DECISION:**

The representative's November 20, 2012 decision (reference 03) is affirmed. The claimant is disqualified from receiving unemployment insurance benefits because she is still working part-time for this employer.

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Beth A. Scheetz  
Administrative Law Judge

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Decision Dated and Mailed

bas/pjs