

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MICHELE J PETI
Claimant

APPEAL NO. 12A-UI-01102-VST

**ADMINISTRATIVE LAW JUDGE
DECISION**

A B C O ENGINEERING CORP
Employer

OC: 12/18/11
Claimant: Appellant (1)

Section 96.19-38-b - Eligibility for Partial Unemployment Insurance Benefits
Section 96.4-3 - Able and Available

STATEMENT OF THE CASE:

The claimant filed an appeal from a decision of a representative dated January 20, 2012, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a telephone conference hearing was scheduled for and held on February 23, 2012. Claimant participated. The employer failed to respond to the hearing notice and did not participate. The record consists of the testimony of Michele Peti. Official notice is taken of agency records.

ISSUE:

Whether the claimant is eligible for partial unemployment insurance benefits.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony of the witness and having considered all of the evidence in the record, makes the following findings of fact:

The employer builds conveyers. The claimant was hired on January 29, 2008, as a full-time bookkeeper. The claimant's hours were reduced to 24 hours per week on November 16, 2009. The claimant established a claim for benefits with an effective date of December 18, 2011. Her weekly benefit amount is \$137.00. The claimant has reported earnings in excess of her weekly benefit amount for the weeks ending December 24, 2011, through February 11, 2012. The claimant has no other employers.

REASONING AND CONCLUSIONS OF LAW:

The unemployment insurance law provides that a claimant is deemed partially unemployed if she is not employed at her usual hours and wages and earns less than her weekly benefit amount plus \$15.00 in other employment. Iowa Code § 96.19-38-b. In this case, the evidence established that the claimant is presently earning more than her weekly benefit amount. The claimant cannot, therefore, be deemed partially unemployed. Benefits are denied.

DECISION:

The decision of the representative dated January 20, 2012, reference 01, is affirmed. The claimant is currently not eligible for partial unemployment insurance benefits.

Vicki L. Seeck
Administrative Law Judge

Decision Dated and Mailed

vls/css