

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

TINA M HUBER
Claimant

APPEAL NO: 14A-UI-12860-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

REMEDY INTELLIGENT STAFFING INC
Employer

OC: 11/23/14
Claimant: Appellant (2/R)

Iowa Code § 96.4(3) – Availability for Work

PROCEDURAL STATEMENT OF THE CASE:

The claimant appealed a representative's December 10, 2014 (reference 01) determination that held her ineligible to receive benefits as of November 23, 2014 because she was not considered unemployed. The claimant participated at the January 12 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 concludes the claimant is eligible to receive partial benefits for the weeks ending November 29 through December 13, 2014.

ISSUE:

Is the claimant working enough hours to be having removed herself from the labor market and is not eligible to receive partial benefits?

FINDINGS OF FACT:

The claimant started working for the employer in January 2013. The claimant does light industrial work. She earns \$8.50 an hour.

From November 5 through November 19 the employer suspended the claimant for two weeks for attendance issues. The claimant established her claim during the week of November 23 because of the two-week suspension. Her average weekly wage based on her base-period wages is \$260.

The claimant filed claims and reported the following wages:

Week ending	Wages reported	Hours Worked
11/29/14	30	5
12/06/14	43	3
12/13/14	10	14.25

REASONING AND CONCLUSIONS OF LAW:

Each week a claimant files a claim for benefits, she must be able to and available for work. Iowa Code § 96.4(3). Since the claimant's average weekly wage in her base period is \$260, the evidence does not establish that the claimant is working enough hours to have removed herself from the labor market. As of November 23 the claimant worked reduced hours. She is eligible to receive partial benefits when she earned less her maximum weekly benefit plus \$15. Iowa Code § 96.19(38)b. For the weeks ending November 29 through December 13; the claimant is eligible to receive partial benefits.

The amount of benefits the claimant is eligible to receive for these weeks will be remanded to the Benefits Bureau to determine because the claimant's reported wages for these weeks are different than the employer's record indicate.

DECISION:

The representative's December 10, 2014 (reference 01) determination is reversed. For the weeks ending November 29 through December 13, 2014; the claimant is not working enough hours to be considered fully employed or to remove herself from the labor market. She worked reduced hours these weeks and is eligible to receive partial benefits. The issue of how much the claimant is eligible to receive is **remanded** to the Benefits Bureau to determine since the claimant's reported wages do not agree with the employer's records.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/can