

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DEBBIE L GLENN
Claimant

APPEAL NO: 12A-EUCU-00096-S2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

KATHY TINDALL
TINDALL HOTELS INC
Employer

OC: 07/04/10
Claimant: Appellant (1)

Section 96.4-3 – Able and Available

STATEMENT OF THE CASE:

Debbie Glenn (claimant) appealed a representative's February 27, 2012 decision (reference 03) that concluded she was not eligible to receive unemployment insurance benefits because she was still working for Tindall Hotels (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for March 21, 2012. The claimant participated personally. The employer participated by Carrie Sharkey, human resources manager.

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 having considered all of the evidence in the record, finds that: The claimant was hired on January 16, 2009, as a part-time front desk agent. The claimant works approximately 16 hours each weekend. She continues to work for the employer.

The claimant reopened her January 5, 2010, unemployment insurance claim for benefits on January 8, 2012. The claimant's base period of employment contains wages only part-time work.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant is still employed at the same hours and wages as her original contract for hire.

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 is not considered unemployed. She is disqualified for being unavailable for work.

DECISION:

The representative's February 27, 2012 decision (reference 03) is affirmed. The claimant is not considered partially unemployed. She is disqualified for being unavailable for work.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/kjw