

IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI

MARIA G ALVAREZ DE CRUZ
107 S 4TH ST
MARSHALLTOWN IA 50158

MANPOWER INC OF CEDAR RAPIDS
1220 INDUSTRIAL AVE
HIAWATHA IA 52233-1155

Appeal Number: 05A-UI-11129-CT
OC: 09/25/05 R: 02
Claimant: Appellant (4)

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319.**

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.4(3) – Able and Available

STATEMENT OF THE CASE:

Maria Alvarez de Cruz filed an appeal from a representative's decision dated October 26, 2005, reference 02, which denied benefits effective September 25, 2005 on a finding that she was still working. Due notice was issued scheduling the matter for a telephone hearing to be held on November 16, 2005. Both parties responded to the notice of hearing. For reasons stated herein, no hearing was held.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Ms. Alvarez de Cruz filed a claim for job insurance benefits effective September 25, 2005. Manpower protested her entitlement on the basis that she was still working full time.

Ms. Alvarez de Cruz was no longer working full time as of the week beginning October 23, 2005. Manpower does not protest her claim as of October 23, 2005. Ms. Alvarez de Cruz concedes that she was not entitled to benefits for the period between September 25 and October 23 because she was still working full time.

REASONING AND CONCLUSIONS OF LAW:

At issue in this matter is whether Ms. Alvarez de Cruz was available for work at any point since filing her claim effective September 25, 2005. The parties agree that she was not eligible for benefits at that time because of her full-time employment. Because the parties agree that she was eligible as of October 23, 2005, a hearing was deemed unnecessary. For the reasons stated herein, benefits are allowed to Ms. Alvarez de Cruz as of October 23, 2005.

DECISION:

The representative's decision dated October 26, 2005, reference 02, is hereby modified. Ms. Alvarez de Cruz is denied benefits from September 25 through October 22, 2005, as she was not available for work due to full-time employment. Benefits are allowed effective October 23, 2005, provided Ms. Alvarez de Cruz satisfies all other conditions of eligibility.

cfc/kjw