

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

LISA FRAISE
Claimant

ADVANCED HOME HEALTH CARE INC
Employer

APPEAL NO. 14A-UI-10396-BT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 12/29/13
Claimant: Appellant (1)**

Iowa Code § 96.4-3 - Able and Available for Work

STATEMENT OF THE CASE:

Lisa Fraise (claimant) appealed an unemployment insurance decision dated September 25, 2014, (reference 02), which held that she was not eligible for unemployment insurance benefits because she was still employed in the same hours and wages with Advanced Home Health Care, Inc. (employer) as in her original contract of hire. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on October 28, 2014. The claimant participated in the hearing. The employer participated through Human Resources Manager Brendan Gonzalez and Administrator Leah Galvin. Employer's Exhibits One through Three and Claimant's Exhibit A were admitted into evidence.

ISSUE:

The issue is whether the claimant is working the same hours and wages as in her original contract of hire with this employer.

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 July 10, 2013, as a part-time home health aide although she could work full-time hours. The employer's assignments are scheduled according to an employee's availability, the employer's needs and the requests and requirements of the employer's clients. The claimant's reduced her availability as of August 18, 2014, due to attending school.

REASONING AND CONCLUSIONS OF LAW:

The issue to be determined is whether the claimant is still employed with the employer for the same hours and wages as contemplated in the original contract of hire. 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. 871 IAC 24.23(26). The claimant was hired part-time and continues to be employed in that same capacity.

The claimant limited her availability because she was going to school. Availability for work is unduly limited when a claimant is not willing to work during the hours in which suitable work for the claimant is available. 871 IAC 24.23(16). The claimant does not meet the availability requirements of the law and benefits are denied.

DECISION:

The unemployment insurance decision dated September 25, 2014, (reference 02), is affirmed. The claimant does not qualify for unemployment insurance benefits.

Susan D. Ackerman
Administrative Law Judge

Decision Dated and Mailed

sda/pjs