

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

DONALD J WATERMAN  
601 S ROOSEVELT #15  
BURLINGTON IA 52601

SECURITAS SECURITY SERVICES  
USA INC  
c/o SHEAKLEY UNISERVICE INC  
P O BOX 182376  
CINCINNATI OH 45242

Appeal Number: 05A-UI-02237-S2T  
OC: 01/30/05 R: 04  
Claimant: Appellant (1)

**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, 4<sup>th</sup> 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.

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(Administrative Law Judge)

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(Decision Dated & Mailed)

Section 96.4-3 – Able and Available

STATEMENT OF THE CASE:

Donald Waterman (claimant) appealed a representative's March 1, 2005 decision (reference 01) that concluded he was not eligible to receive unemployment insurance benefits in connection with his employment with Securitas Security Services USA (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on March 21, 2005. The claimant participated personally. The employer was represented by Terry Clayton, Hearings Representative, and participated by Kevin Pender, Branch Manager.

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 April 10, 2000, as a full-time security officer. He is currently working for the employer and has consistently worked 40 hours per week. The claimant filed for unemployment insurance benefits on or about January 30, 2005, after a separation from another employer.

REASONING AND CONCLUSIONS OF LAW:

The issue is whether the claimant is disqualified for being unavailable for work. For the following reasons the administrative law judge concludes he is.

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 full-time worker and is still working full-time for the employer. The claimant is disqualified from receiving unemployment insurance benefits because he was not available for work.

DECISION:

The representative's March 1, 2005 decision (reference 01) is affirmed. The claimant is disqualified from receiving unemployment insurance benefits because he was not available for work.

bas/s