

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**SHANE R SCHNEIDER**  
Claimant

**APPEAL NO. 10A-UI-08321-HT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**KWIK SHOP INC**  
Employer

**OC: 04/25/10**  
**Claimant: Respondent (1)**

Section 96.4(3) – Able and Available

**STATEMENT OF THE CASE:**

The employer, Kwik Shop, filed an appeal from a decision dated June 4, 2010, reference 01. The decision allowed benefits to the claimant, Shane Schneider. After due notice was issued, a hearing was held by telephone conference call on July 28, 2010. The claimant participated on his own behalf. The employer participated by Assistant Manager Judy Jakel.

**ISSUE:**

The issue is whether the claimant is able and available for work.

**FINDINGS OF FACT:**

Shane Schneider was employed by Kwik Shop beginning June 28, 2009, as a full-time clerk. He filed a claim for benefits effective April 25, 2010, because the store had not been scheduling him for more than 18 hours a week. The employer asserted he had been offered hours in another store on May 7, 2010, but the claimant had no recollection of that.

**REASONING AND CONCLUSIONS OF LAW:**

Iowa Code section 96.4-3 provides:

An unemployed individual shall be eligible to receive benefits with respect to any week only if the department finds that:

3. The individual is able to work, is available for work, and is earnestly and actively seeking work. This subsection is waived if the individual is deemed partially unemployed, while employed at the individual's regular job, as defined in section 96.19, subsection 38, paragraph "b", unnumbered paragraph 1, or temporarily unemployed as defined in section 96.19, subsection 38, paragraph "c". The work search requirements of this subsection and the disqualification requirement for failure to apply for, or to accept suitable work of section 96.5, subsection 3 are waived if the individual is not disqualified for benefits under section 96.5, subsection 1, paragraph "h".

The claimant was working a reduced number of hours at his regular full-time job because the employer did not have the hours to give him. There is no evidence he refused to work any hours offered to him either in his own store or in another store. He is able and available for work and eligible for benefits.

**DECISION:**

The representative's decision of June 4, 2010, reference 01, is affirmed. Shane Schneider is able and available for work and benefits are allowed, provided he is otherwise qualified.

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Bonny G. Hendricksmeier  
Administrative Law Judge

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Decision Dated and Mailed

bgh/css