

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**LORI A RICHARDSON**  
Claimant

**APPEAL NO. 11A-EUCU-00452-CT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**MCDONALD'S**  
Employer

**OC: 03/13/11  
Claimant: Appellant (1)**

Section 96.4(3) – Able and Available

**STATEMENT OF THE CASE:**

Lori Richardson filed an appeal from a representative's decision dated April 26, 2011, reference 01, which denied benefits on a finding that she was working sufficient hours with McDonald's to be considered employed. After due notice was issued, a hearing was held by telephone on May 26, 2011. Ms. Richardson participated personally. The employer participated by Jessica Hamlin, store manager.

**ISSUE:**

At issue in this matter is whether Ms. Richardson is eligible to receive job insurance benefits on her claim filed effective March 13, 2011.

**FINDINGS OF FACT:**

Having heard the testimony and having reviewed all of the evidence in the record, the administrative law judge finds: Ms. Richardson filed her current claim for job insurance benefits effective March 12, 2011. At that time, she had been working for McDonald's since July 19, 2010. She works from 28 to 30 hours each week as a crew member.

**REASONING AND CONCLUSIONS OF LAW:**

In order to receive job insurance benefits, an individual must be available for work. Iowa Code section 96.4(3). An individual is not considered available for work if she is working enough hours to be considered employed. See 871 IAC 24.23(23). This regulation does not require that the individual be working a 40-hour week. Ms. Richardson's job with McDonald's is not supplemental employment; it is her main job. The administrative law judge believes working 28 to 30 hours a week does effectively remove an individual from the labor market. For the above reasons, it is concluded that Ms. Richardson has not satisfied the requirements of the law effective March 13, 2011. As such, benefits are denied.

**DECISION:**

The representative's decision dated April 26, 2011, reference 01, is hereby affirmed. Ms. Richardson is denied benefits effective March 13, 2011, as she is not available for work within the meaning of the law.

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Carolyn F. Coleman  
Administrative Law Judge

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Decision Dated and Mailed

cfc/kjw