

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**JOHN R BAST**  
Claimant

**APPEAL NO. 09A-UI-08306-CT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**ALLE PROPERTIES**  
Employer

**Original Claim: 04/05/09  
Claimant: Appellant (2)**

Section 96.4(3) – Able and Available

**STATEMENT OF THE CASE:**

John Bast filed an appeal from a representative's decision dated June 1, 2009, reference 01, which denied benefits on a finding that he was still employed by Alle Properties under the same terms and conditions as hired. After due notice was issued, a hearing was held by telephone on June 25, 2009. Mr. Bast participated personally and Exhibit A was admitted on his behalf. The employer participated by Angie Pippert, President, and Jason Pippert, Vice President.

**ISSUE:**

At issue in this matter is whether Mr. Bast is partially unemployed.

**FINDINGS OF FACT:**

Having heard the testimony and having reviewed all of the evidence in the record, the administrative law judge finds: Mr. Bast began working for Alle Properties on September 6, 2006. He was hired to work part time as a car wash attendant. He filed a claim for job insurance benefits effective April 5, 2009 because of a reduction in his work hours.

Mr. Bast historically worked at least 50 or more hours per two-week pay period. During the 25 pay periods between April 2, 2008 and March 31, 2009, he averaged slightly over 49 hours per pay period. In early April of 2009, he was told he was to work three hours a day during six days each week. Because he was only going to have approximately 36 hours each pay period, Mr. Bast filed a claim for job insurance benefits. He remains available to work the same number of hours he had previously worked for the employer.

**REASONING AND CONCLUSIONS OF LAW:**

In order to receive job insurance benefits, an individual must satisfy the availability requirements of Iowa Code section 96.4(3). Where an individual is still employed in a part-time job under the same terms and conditions as hired, he is not considered available for work within the meaning of the law. See 871 IAC 24.23(26). It is clear from the evidence of record that Mr. Bast is not still working under the same terms as his original employment. He has been reduced from working 49 hours per pay period to 36. The reduction was initiated by the employer. Therefore,

the administrative law judge must conclude that he is working on a reduced-workweek basis. As such, he is partially unemployed and eligible to receive job insurance benefits.

**DECISION:**

The representative's decision dated June 1, 2009, reference 01, is hereby reversed. Mr. Bast is partially unemployed and allowed job insurance benefits effective April 5, 2009, provided he is otherwise eligible.

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Carolyn F. Coleman  
Administrative Law Judge

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Decision Dated and Mailed

cfc/kjw