

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CHRISTINA L ELLISON
Claimant

APPEAL NO. 09A-UI-18306-S2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

KUM & GO
Employer

OC: 10/25/09
Claimant: Appellant (1)

Section 96.4-3 – Able and Available

STATEMENT OF THE CASE:

Christina Ellison (claimant) appealed a representative's December 2, 2009 decision (reference 04) that concluded she was not eligible to receive unemployment insurance benefits because she was not willing to work the number of hours required in her occupation with Kum & Go (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for January 14, 2010. The claimant participated personally. The employer participated by Jean Jessen, Manager.

ISSUE:

The issue is whether the claimant is available for work.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant worked for the employer from July 27, 2009, to the present as a part-time cashier. During her employment the claimant's hours have varied from 14 to 38 hours per week. For the week ending October 26, 2009, the claimant asked the employer if she could just work three or four days per week. Prior to this she was working five days per week, when available. The employer granted the claimant's request. The claimant filed for unemployment insurance benefits with an effective date of October 25, 2009. During the four week period ending December 21, 2009, the claimant was a full-time student, taking certified nurse's aide classes.

REASONING AND CONCLUSIONS OF LAW:

The administrative law judge concludes the claimant is not able and available for work as of October 25, 2009.

871 IAC 24.23(16) provides:

Availability disqualifications. The following are reasons for a claimant being disqualified for being unavailable for work.

(16) Where availability for work is unduly limited because a claimant is not willing to work during the hours in which suitable work for the claimant is available.

When an employee requests and is granted time off, she is considered to be unavailable for work. The claimant requested a reduction of her hours and the employer granted her request. The change in hours was initiated by the claimant. She is considered to be unavailable for work from October 25, 2009. The claimant is disqualified from receiving unemployment insurance benefits from October 25, 2009, due to her unavailability for work.

DECISION:

The representative's December 2, 2009 decision (reference 04) is affirmed. The claimant is disqualified from receiving unemployment insurance benefits because she is not available for work with the employer.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/pjs