

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MARSHA L HAUGEN
Claimant

APPEAL NO. 09A-UI-06727-MT

**ADMINISTRATIVE LAW JUDGE
DECISION**

MASON CITY COMMUNITY SCHOOL DIST
Employer

OC: 03/29/09
Claimant: Respondent (1)

Section 96.4-3 – Able and Available

STATEMENT OF THE CASE:

Employer filed an appeal from a decision of a representative dated April 23, 2009, reference 01, which held claimant not able and available for work. After due notice, a telephone conference hearing was scheduled for and held on May 27, 2009. Claimant participated personally. Employer participated by Ramona Jeffrey, Director of Finance. Exhibit A was admitted into evidence.

ISSUE:

The issue in this matter is whether claimant is able and available for work.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: claimant has worked as a substitute para-professional since October 6, 1994. Claimant was informed that due to budget cuts claimant would suffer reduction in hours offered below the 25 to 30 hours per week. Claimant has been offered almost no hours since March 29, 2009. Claimant is on a significantly reduced work schedule caused by the employer's budget cuts. Claimant is able and available for the same hours she has worked since 1994.

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".

Benefits shall be allowed effective March 29, 2009. Claimant is working significantly reduced hours due to cutbacks by the employer. Claimant is on a layoff due to the reduction in work hours far below that experienced during her work for this employer. Claimant must report any wages earned from work.

DECISION:

The decision of the representative dated April 23, 2009, reference 01, is affirmed. Claimant is eligible to receive unemployment insurance benefits, effective March 29, 2009, provided claimant meets all other eligibility requirements.

Marlon Mormann
Administrative Law Judge

Decision Dated and Mailed

mdm/css