

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JOSEPH M MILAMBILING
Claimant

APPEAL NO: 10A-UI-09868-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

COVENANT MEDICAL CENTER
Employer

**OC: 06/06/10
Claimant: Appellant (2)**

Section 96.4-3 – Able to and Available for Work

STATEMENT OF THE CASE:

The claimant appealed a representative's July 7, 2010 decision (reference 01) that held him ineligible to receive benefits as of June 6, 2010; because he restricted the number of hours he would work to the extent he was not available for work. A telephone hearing was held on August 30, 2010. The claimant participated the hearing. Kris Marmie, a human resource representative, appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Is the claimant able to and available for work the week ending June 12, 2010?

FINDINGS OF FACT:

The claimant started working for the employer in July 2005. Initially, he worked as a full-time patient care assistant. The claimant changed his employee status from full time to as-needed on September 2, 2008. As an as-needed employee, the claimant is required to work two days a month for the employer.

The claimant established a claim for benefits during the week of June 6, 2010, because his other employer or primary employer, First Student Management, laid off all employees this one week. The claimant returned to work the following week at First Student Management. The only week the claimant filed a claim for benefits was the week ending June 12, 2010.

The claimant was scheduled to work for the employer on Friday, June 11, 2010. He was ill and unable to work as scheduled on June 11. He informed the employer he was ill and unable to work on June 11, 2010.

REASONING AND CONCLUSIONS OF LAW:

Each week a claimant files a claim for benefits, he must be able to and available for work. Iowa Code § 96.4.3. Although the claimant was unable to work as scheduled on June 11, this does

not make him ineligible to receive benefits. The claimant established a claim for benefits during the week of June 6 so he could file a claim for partial benefits the one week he was laid off from First Student Bus Management. The claimant established he was able to and available for work the majority of the week of June 6, 2010. Therefore, he is eligible to receive benefits as of June 6 and is eligible to receive benefits for the week ending June 12, 2010.

DECISION:

The representative's July 7, 2010 decision (reference 01) is reversed. The claimant is able to and available for work as of June 6, 2010. He is eligible to receive benefits as of June 6 and is eligible to partial benefits for the week ending June 12, 2010.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/css