

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

HAJA M KOROMA
Claimant

APPEAL NO: 17A-UI-10110-JE-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

WAL-MART STORES INC
Employer

OC: 09/03/17
Claimant: Appellant (2)

Section 96.4-3 – Able and Available

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the September 28, 2017, reference 01, decision that denied benefits. After due notice was issued, a hearing was held by telephone conference call before Administrative Law Judge Julie Elder on October 19, 2017. The claimant participated in the hearing. The employer did not respond to the hearing notice and did not participate in the hearing or request a postponement of the hearing as required by the hearing notice.

ISSUE:

The issue is whether the claimant is able and available for work.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant is employed part-time at Sam's Club. The claimant previously worked from 10:00 a.m. to 6:30 p.m. She is a single parent and her one year old daughter started school this fall. The claimant must take her at 8:20 a.m. and pick her up at 11:35 a.m. and then she takes her to daycare. Consequently, the claimant changed her availability to 12:15 p.m. to 8:15 p.m. Monday through Saturday but the employer has not been scheduling her as frequently.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes that the claimant is able to work and available for work

Iowa Code § 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".

While the claimant is not able to work the exact same hours she could prior to her daughter starting school this fall, she is available eight hours per day Monday through Saturday. Therefore, the claimant is available to work during the hours in which suitable work for the claimant is available. Accordingly, benefits are allowed.

DECISION:

The September 28, 2017, reference 01, decision is reversed. The claimant is able to work and available for work effective September 3, 2017. Benefits are allowed.

Julie Elder
Administrative Law Judge

Decision Dated and Mailed

je/scn