

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

BRIAN T GARLOW
Claimant

APPEAL NO. 14A-UI-06062-S2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**CINEMA ENTERTAINMENT CORPORATION
CROSSROADS 7 THEATRES**
Employer

OC: 05/18/14
Claimant: Respondent (1)

Iowa Code § 96.4(3) – Able and Available
871 IAC 24.23(26) – Able and Available

STATEMENT OF THE CASE:

Cinema Entertainment Corporation (employer) appealed a representative's June 9, 2014, decision (reference 01) that concluded Brian Garlow (claimant) was eligible to receive unemployment insurance benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for June 9, 2014. The claimant participated personally. The employer participated by Timothy Burcham, Manager, and Amber Eisenschenk, Human Resources Manager.

ISSUE:

The issue is whether the claimant is disqualified for being unavailable 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 was hired on June 3, 2012, as a part-time cleaning person and later began work as a maintenance person. The claimant was paid every two weeks and earned \$8.00 per hour. From March 3 through June 9, 2014, the claimant averaged about 17 hours every two weeks in his paycheck. At the end of May 2014, the employer told the claimant it needed to cut back on maintenance costs and reduced the claimant's hours. For the paycheck that was issued on June 23, 2014, the claimant worked six hours. The claimant filed for unemployment insurance benefits with an effective date of May 18, 2014, due to the reduced hours. The employer told the manager to return the claimant to his original hours. For the pay period ending July 7, 2014 the claimant worked 24.23 hours over the two-week period.

REASONING AND CONCLUSIONS OF LAW:

Iowa Admin. Code r. 871-24.23(26) provides:

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

(26) Where a claimant is still employed in a part-time job at the same hours and wages as contemplated in the original contract for hire and is not working on a reduced workweek basis different from the contract for hire, such claimant cannot be considered partially unemployed.

The claimant was hired as a part-time worker and is still working part-time for the employer. He was working on a reduced workweek because the employer wanted to reduce business costs. The claimant is qualified to receive unemployment insurance benefits.

DECISION:

The representative's June 9, 2014, decision (reference 01) is affirmed. The claimant is qualified to receive unemployment insurance benefits.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/pjs