

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**PATRICK J UHL**  
Claimant

**APPEAL NO. 13A-UI-12862-MT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**BRIDGESTONE AMERICAS TIRE**  
Employer

**OC: 10/21/12**  
**Claimant: Respondent (2)**

Section 96.4-3 – Able and Available

**STATEMENT OF THE CASE:**

Employer filed an appeal from a decision of a representative dated November 13, 2013, reference 01, which held claimant able and available for work. After due notice, a hearing was scheduled for and held on December 10, 2013. Claimant participated personally. Employer participated by Tom Barragan, Human Resource Section Manager. Exhibit One 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 reactivated his unemployment claim, not to claim benefits but to keep it open in case of layoff. This generated an able and available decision which was appealed by employer. Claimant at all times in question has worked full-time hours. Claimant is working sufficient hours to restrict his availability for work.

**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".

Inasmuch as the claimant is working full-time hours, the claimant has not established availability for work. Benefits are withheld until such time as the claimant work hours are reduced to part time or zero. Benefits shall be denied effective October 13, 2013.

**DECISION:**

The decision of the representative dated November 13, 2013, reference 01 is reversed. Claimant is not eligible to receive unemployment insurance benefits, effective October 13, 2013, until claimant's work hours are reduced.

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Marlon Mormann  
Administrative Law Judge

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Decision Dated and Mailed

mdm/pjs