

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

KANDEE S RUTLEDGE
Claimant

APPEAL NO. 12A-UI-01164-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

CAPTAIN & CO LTD
Employer

OC: 08/07/11
Claimant: Appellant (2)

Section 96.4-3 - Able to and Available for Work

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated January 31, 2012, reference 01, that concluded she was not able to and available for work effective January 1, 2012. A telephone hearing was held on February 23, 2012. The parties were properly notified about the hearing. The claimant participated in the hearing. No one participated in the hearing on behalf of the employer.

ISSUE:

Was the claimant able to and available for work?

FINDINGS OF FACT:

The claimant started working for the employer's cleaning business in April 2011. She was working four or five days and averaging around 30-35 hours of work per week at a rate of pay of \$10 per hour.

The claimant filed a claim for partial unemployment insurance benefits in August 2011 after a reduction in her hours due to a business slowdown. Her weekly benefit was determined to be \$177. She stopped filing in October 2011 when business picked up again. She refiled again in January 2012 because work again slowed down. There have been weeks since January 1, 2012, when the claimant's wages have been less than her earnings limit of \$192.

The claimant has also been attending school part time since November 2011. She has classes twice a week, but is still available for work five days per week. The claimant has received department approved training, which allows her to receive benefits without having to search for other work.

The employer's account is not presently chargeable for benefits paid to the claimant since it is not a base period employer on the claim.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the claimant is able to work, available for work, and earnestly and actively seeking work as required by the unemployment insurance law in Iowa Code § 96.4-3. The evidence shows the claimant has been able to and available for work. She would be entitled to benefits during any week in which her wages were less than \$192.

The employer's account is not presently chargeable for benefits paid to the claimant since it is not a base period employer on the claim. If the employer becomes a base period employer in a future benefit year, charges to its account will be determined based on the circumstances at that time.

DECISION:

The unemployment insurance decision dated January 31, 2012, reference 01, is reversed. The claimant is qualified to receive unemployment insurance benefits, if she is otherwise eligible.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

saw/pjs