

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**CARLOS CHEVEREZ**  
Claimant

**APPEAL NO. 11A-UI-16345-HT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**BLOOMFIELD FOUNDRY INC**  
Employer

**OC: 10/30/11**  
**Claimant: Respondent (1)**

Section 96.4(3) – Able and Available

**STATEMENT OF THE CASE:**

The employer, Bloomfield Foundry, filed an appeal from a decision dated December 12, 2011, reference 01. The decision allowed benefits to the claimant, Carlos Cheverez. After due notice was issued, a hearing was held by telephone conference call on January 18, 2012. The claimant did not provide a telephone number where he could be contacted and did not participate. The employer participated by Human Resources Manager Sheila Birchmier and Operations Manager Gary Cooper.

**ISSUE:**

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

**FINDINGS OF FACT:**

Carlos Cheverez began employment with Bloomfield Foundry on December 21, 2010. He is currently employed as full-time grinder. Production was slow and the claimant filed for unemployment with an effective date of October 30, 2011. He filed for benefits for the three-week period ending November 19, 2011, and reported wages for those weeks. Mr. Cheverez received benefits for only one week ending November 12, 2011, in the amount of \$73.00. He did not receive benefits the other weeks because his reported wages were higher than his weekly unemployment benefits amount. During the week ending November 12, 2011, he worked all available hours for Bloomfield Foundry.

**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".

The claimant is working all available hours for the employer and reported wages for each week. Because he is working on a reduced week, but remains available for full-time hours, he is eligible for benefits.

**DECISION:**

The representative's decision of December 12, 2011, reference 01, is affirmed. Carlos Cheverez is qualified for benefits, provided he is otherwise eligible.

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Bonny G. Hendricksmeier  
Administrative Law Judge

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Decision Dated and Mailed

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