

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

BONNIE M KIRK
Claimant

APPEAL NO: 11A-UI-08571-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

FUN CITY
Employer

OC: 05/08/11
Claimant: Respondent (1/R)

Iowa Code § 96.4(3) – Ability to and Availability for Work

PROCEDURAL STATEMENT OF THE CASE:

The employer appealed a representative's June 22, 2011 determination (reference 01) that held the claimant eligible to receive partial benefits as of May 8, 2011, because her work hours had been reduced. The claimant participated in the hearing. Jamie Evans and Steve Morley appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge finds the claimant eligible to receive partial benefits as of May 8, 2011.

ISSUE:

As of May 8, is the claimant eligible to receive partial benefits?

FINDINGS OF FACT:

The claimant started working for the employer in March 2011. The employer hired her to work as a part-time cook. The claimant had been working an average of 35 hours a week until late April or early May. During this time, the employer's business was slow and employees' hours were reduced due to a slowdown in business.

The claimant established a claim for benefits during the week of May 8, 2011, after her hours were reduced to 20 to 25 hours a week. The claimant filed claims for benefits during weeks her hours were reduced.

REASONING AND CONCLUSIONS OF LAW:

Each week a claimant files a claim for benefits, she must be able to and available for work. Iowa Code § 96.4(3). A claimant is deemed partially unemployed when she works less than her regular "full time" week and earns less than her weekly benefit amount plus \$15.00. Iowa Code § 96.19(38)b. Since the claimant had been working around 35 hours and the employer temporarily reduced her hours to 20 to 25 hours a week, she is eligible to receive benefits during weeks her hours were reduced and she earned weekly gross wages of less than \$233.00.

The employer is not one of the claimant's base period employers. During the claimant's current benefit year, the employer's account will not be charged.

During the hearing, information was presented that the claimant's employment ended. As a result, this issue will be remanded to the Claims Section to investigate.

DECISION:

The representative's June 22, 2011 determination (reference 01) is affirmed. The claimant is eligible to receive partial benefits as of May 8, 2011, during weeks her hours were reduced and she earned less than \$233.00. During the claimant's current benefit year, the employers' account will not be charged. The issue concerning the reasons for the claimant's employment separation is **Remanded** to Claims Section to investigate and determine.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/css