

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**ANDREW P RICHARDSON**  
Claimant

**APPEAL NO. 14A-UI-13390-S2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**PRESTIGE DELIVERY SERVICE INC**  
Employer

**OC: 11/23/14**  
**Claimant: Appellant (1)**

Section 96.4-3 – Able and Available

**STATEMENT OF THE CASE:**

Andrew Richardson (claimant) appealed a representative's December 17, 2014 (reference 01) decision that concluded he was not eligible to receive unemployment insurance benefits as of November 23, 2014 because he was not willing to work the number of hours required of his profession with Prestige Delivery Service (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for January 27, 2015. The claimant participated personally. The employer participated by Sara Guida, Vice President; Steve Guida, President; and Gary Robey, Dispatcher.

**ISSUE:**

The issue is whether the claimant was 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 that: The claimant worked as a full-time delivery driver from May 28, 2014 to January 19, 2015. During his employment, the claimant worked a variety of shifts. He was available to work early morning and late night deliveries. On October 16, 2014 the claimant told the employer he would no longer be able to work before 8:45 a.m. or after 5:00 p.m. The claimant restricted his hours due to childcare restraints and having to get to a second job. The employer was not able to give the claimant full-time hours with those restrictions. The claimant filed for unemployment insurance benefits with an effective date of November 23, 2014.

**REASONING AND CONCLUSIONS OF LAW:**

The administrative law judge concludes the claimant is not available for work.

871 IAC 24.23(8) and (17) provides: Availability disqualifications.

The following are reasons for a claimant being disqualified for being unavailable for work;

(8) Where availability for work is unduly limited because of not having made adequate arrangements for child care

(17) Work is unduly limited because the claimant is not willing to work the number of hours required to work in the claimant's occupation.

When an employee is caring for a child or when he limits his hours, he is considered to be unavailable for work. The claimant was taking care of his child and he limited his hours of work. He is considered to be unavailable for work after November 23, 2014. The claimant is disqualified from receiving unemployment insurance benefits effective November 23, 2014; due to his unavailability for work.

**DECISION:**

The representative's December 17, 2014 (reference 01) decision is affirmed. The claimant is disqualified from receiving unemployment insurance benefits as of November 23, 2014 because he is not available for work with the employer.

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Beth A. Scheetz  
Administrative Law Judge

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Decision Dated and Mailed

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