

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DAVID P MITCHELL
Claimant

APPEAL NO. 10A-UI-16266-AT

**ADMINISTRATIVE LAW JUDGE
DECISION**

ARAMARK SPORTS LLC
Employer

OC: 05/02/10
Claimant: Respondent (4)

Section 96.4-3 – Eligibility for Benefits

STATEMENT OF THE CASE:

Aramark Sports LLC filed a timely appeal from an unemployment insurance decision dated November 18, 2010, reference 02, an open-ended allowance of benefits to David P. Mitchell beginning October 20, 2010. After due notice was issued, a telephone hearing was held January 13, 2011, with Mr. Mitchell participating. Concessions Manager Peter Rourke participated for the employer.

ISSUE:

Is the claimant eligible for unemployment insurance benefits?

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having examined all of the evidence in the record, the administrative law judge finds: David P. Mitchell filed an additional claim for unemployment insurance benefits October 10, 2010, and received partial benefits for the week ending October 16, 2010. He filed his additional claim because his work days were reduced from five to two during the week in question. Mr. Mitchell has not claimed unemployment insurance benefits since that date. He left Aramark Sports on October 20, 2010, for a new job. He is still employed at this time.

REASONING AND CONCLUSIONS OF LAW:

The question is whether the evidence establishes that the claimant is eligible for unemployment insurance benefits. The administrative law judge concludes that Mr. Mitchell is eligible for benefits for the single week of October 10 through 16, 2010.

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 parties agree that Mr. Mitchell's hours of employment were reduced at the employer's initiative for the one week ending October 16, 2010. Mr. Mitchell is eligible for benefits for that week. He has been fully employed since that week.

DECISION:

The unemployment insurance decision dated November 18, 2010, reference 02, is modified. The claimant is entitled to receive unemployment insurance benefits for the week of October 10 through 16, 2010. Benefits are withheld thereafter because the claimant has been employed.

Dan Anderson
Administrative Law Judge

Decision Dated and Mailed

kjw/kjw