

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

HUGO BALDERAS
Claimant

APPEAL NO. 08A-UI-10497-CT

**ADMINISTRATIVE LAW JUDGE
DECISION**

L G INC
Employer

OC: 06/01/08 R: 02
Claimant: Respondent (1)

Section 96.4(3) – Able and Available

STATEMENT OF THE CASE:

L G, Inc. filed an appeal from a representative's decision dated October 31, 2008, reference 04, which held that Hugo Balderas satisfied the availability requirements of the law effective October 7, 2008. After due notice was issued, a hearing was held by telephone on November 24, 2008. Mr. Balderas participated personally. The employer participated by Terry Lindaman, Owner. Exhibits One and Two were admitted on the employer's behalf.

ISSUE:

At issue in this matter is whether Mr. Balderas has satisfied the availability requirements of the law.

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having reviewed all of the evidence in the record, the administrative law judge finds: Mr. Balderas began working for L G, Inc. on September 29, 2008. The employer's business consists of testing soil samples. Mr. Balderas' job was to sort samples and store them in the back room. He was hired to work full time until the end of the season.

Mr. Balderas was told what time to report and what time he could leave work. He was late on one occasion because of car trouble. He left work early on one occasion to see his probation officer. Otherwise, he worked all scheduled hours. He worked 15.72 hours the first week; 29.65 the second week; 38.57 the third week; 32.39 the fourth week, and 30.32 hours the fifth week. Mr. Balderas filed an additional claim for job insurance benefits effective October 5, 2008 because he was not receiving full-time hours. The job was over as of November 20, 2008.

REASONING AND CONCLUSIONS OF LAW:

In order to receive job insurance benefits, an individual must be available for work. Iowa Code section 96.4(3). Mr. Balderas filed an additional claim for job insurance benefits because he was not receiving full-time hours. He remained available to work full-time hours but the employer did not have the work available. The administrative law judge appreciates that the

employer can only provide the amount of work that comes in. However, the fact remains that Mr. Balderas was partially unemployed because he was not getting the full-time hours he was hired to work. Because he remained available to work full time, it is concluded that he was available for work within the meaning of the law. As such, benefits are allowed.

DECISION:

The representative's decision dated October 31, 2008, reference 04, is hereby affirmed. Mr. Balderas satisfied the availability requirements of the law effective October 5, 2008. Benefits are allowed, provided he satisfies all other conditions of eligibility.

Carolyn F. Coleman
Administrative Law Judge

Decision Dated and Mailed

cfc/pjs