

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**JOHN K GREENWOOD**  
Claimant

**APPEAL NO. 10A-UI-16795-LT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**DAVIS JD STEEL LLC**  
Employer

**OC: 08/08/10**  
**Claimant: Appellant (2)**

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

**STATEMENT OF THE CASE:**

The claimant filed a timely appeal from the December 7, 2010 (reference 02) decision that denied benefits. After due notice was issued, a telephone conference hearing was held on January 24, 2011. Claimant participated. Employer did not respond to the hearing notice instructions and did not participate.

**ISSUE:**

The issue is whether claimant is able to and available for work effective September 19, 2010.

**FINDINGS OF FACT:**

Having heard the testimony and having reviewed the evidence in the record, the administrative law judge finds: Claimant was able and available to work his regular hours as reported on weekly claims effective September 19, 2010 but was scheduled to work fewer than his regular full-time hours. Claimant reported gross wages each week.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes that the claimant is able to work and available for work.

Iowa Code § 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".

Since employer did not provide claimant with regular full-time hours, partial benefits are allowed as claimed.

**DECISION:**

The December 7, 2010 (reference 02) decision is reversed. The claimant is able to work and available for work effective September 19, 2010. Benefits are allowed, provided the claimant is otherwise eligible.

---

Dévon M. Lewis  
Administrative Law Judge

---

Decision Dated and Mailed

dml/css