

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

GILBERT L SCHUHMACHER
Claimant

APPEAL NO. 10A-EUCU-00037-MT

**ADMINISTRATIVE LAW JUDGE
DECISION**

GAINESVILLE HEALTH & FIT
Employer

OC: 04/06/08
Claimant: Appellant (2)

Section 96.4-3 – Able and Available

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated January 6, 2010, reference 01, which held claimant not able and available for work. After due notice, a telephone conference hearing was scheduled for and held on February 24, 2010. Claimant participated personally. Employer failed to respond to the hearing notice and did not participate. Exhibit One was admitted into evidence.

ISSUE:

The issue in this matter is whether claimant is 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: Claimant worked as a part-time maintenance worker. Employer reduced claimant's hours in November due to a seasonal slowdown. Claimant accepted all the hours offered to him. Claimant has been able and available for all hours required. Claimant did not refuse any hours.

REASONING AND CONCLUSIONS OF LAW:

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".

Benefits shall be allowed effective November 8, 2009. Claimant is willing to accept all hours of work offered by employer. The reduction in work hours was caused by employer.

DECISION:

The decision of the representative dated January 6 2010, reference 01, is reversed. Claimant is eligible to receive unemployment insurance benefits, effective November 8, 2009, provided claimant meets all other eligibility requirements.

Marlon Mormann
Administrative Law Judge

Decision Dated and Mailed

mdm/pjs