

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DEBRA D WIESER
Claimant

APPEAL NO. 10A-UI-06569-VST

**ADMINISTRATIVE LAW JUDGE
DECISION**

EXIDE TECHNOLOGIES
Employer

OC: 06/28/09
Claimant: Appellant (1)

Section 96.4-3 – Able and Available

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated April 21, 2010, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a telephone conference hearing was scheduled for and held on June 21, 2010. Claimant participated. Employer participated by Tim Guyer, human resources manager. The record consists of the testimony of Debra Wieser and the testimony of Tim Guyer.

ISSUE:

Whether the claimant was able and available for work on March 25, 2010, and March 26, 2010.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony of the witnesses and having considered all of the evidence in the record, makes the following findings of fact:

The employer is a manufacturer of batteries with a plant located in Manchester, Iowa. The claimant is presently employed by the employer. The plant was scheduled to have inventory done on March 26, 2010, and fewer employees are needed on that day. The claimant had requested Friday off and therefore she was not scheduled to work that day. Inventory day was then changed to March 25, 2010 and extending through March 26, 2010, with some limited production on March 26, 2010. The claimant's husband said that he and the claimant did not want to work on Thursday either. The claimant was not on the schedule. She had a doctor's appointment that day but could have changed it. She normally worked third shift and would have worked first shift for inventory.

REASONING AND CONCLUSIONS OF LAW:

Iowa law states that in order for an individual to be eligible to receive benefits, the individual must be able to work; available for work; and earnestly and actively seeking work. The individual bears the burden of establishing that individual is able to work available for work and earnestly and actively seeking work. An individual is disqualified as being unavailable for work

where available for work is unduly limited because a claimant is not willing to work during the hours in which suitable work for the claimant is available. 871 IAC 24.32(16).

The claimant is seeking unemployment insurance benefits for two days: March 25, 2010; and March 26, 2010. The greater weight of the evidence is that work was available for the claimant on those two days, but she elected for personal reasons not to work those two days. Although there was some evidence that the claimant could have changed her plans and thus been able to work on March 25, 2010, the claimant's husband told the employer that neither he nor his wife would be working those two days. The administrative law judge concludes that the greater weight of the evidence is that claimant was not able and available for work. Benefits are denied.

DECISION:

The decision of the representative dated April 21, 2010, reference 01, is affirmed. The claimant is not able and available for work on March 25, 2010, and March 26, 2010, and therefore not eligible for benefits.

Vicki L. Seeck
Administrative Law Judge

Decision Dated and Mailed

vls/pjs