

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

VERONICA J HUFFMAN
Claimant

APPEAL NO. 13A-UI-14309-S2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

KPTOO INC
Employer

OC: 12/08/13
Claimant: Respondent (1)

Section 96.4-3 – Able and Available

STATEMENT OF THE CASE:

Kptoo (employer) appealed a representative's December 20, 2013, decision (reference 01) that concluded Veronica Huffman (claimant) was eligible to receive unemployment insurance benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for February 12, 2014. The claimant participated personally. The employer participated by Lynn Frank, General Manager. The employer offered and Exhibit One was received into evidence.

ISSUE:

The issue is whether the claimant is disqualified for being unavailable for work.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant was hired on May 1, 2007, as a full-time crew member. The employer reduced the claimant's hours over time even though the claimant's availability remained the same. The claimant is now working part time and available for work. On December 8, 2013, the claimant applied for unemployment insurance benefits because the employer reduced her hours.

REASONING AND CONCLUSIONS OF LAW:

871 IAC 24.23(26) provides:

Availability disqualifications. The following are reasons for a claimant being disqualified for being unavailable for work.

(26) Where a claimant is still employed in a part-time job at the same hours and wages as contemplated in the original contract for hire and is not working on a reduced workweek basis different from the contract for hire, such claimant cannot be considered partially unemployed.

On December 8, 2013, the employer reduced the claimant's hours. The claimant continued to work part time for the employer when the employer has work available. She is able and available for work. She is eligible to receive unemployment insurance benefits.

DECISION:

The representative's December 20, 2013, decision (reference 01) is affirmed. The claimant is eligible to receive unemployment insurance benefits because she is able and available for work.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/css