

Center on October 29, 2003 as a full-time LPN. She had been working from 32 to 40 hours each week but was reduced to working approximately 16 hours each week as of mid-August of 2005. The reduction was due to low census in the facility.

After the reduction in hours, Ms. Van Sickle made arrangements to attend school and began classes on August 29. She notified the employer that she was not available to work on Tuesdays, Wednesdays, or Thursdays, because of her school attendance. Even if she had continued to be available on those days, she still would not have been provided 32 to 40 hours of work each week. Ms. Van Sickle is available to work evening shifts on the days she is in school.

REASONING AND CONCLUSIONS OF LAW:

At issue in this matter is whether Ms. Van Sickle is eligible to receive job insurance benefits on her claim filed effective August 21, 2005. She was partially unemployed at that point due to a reduction in hours initiated by the employer. She continued to be available to work the same number of hours as she had worked before the reduction. Although Ms. Van Sickle reduced her availability on or about August 29, it did not reduce the number of hours the employer had work available for her. She continued to be available to work evening shifts when she was not in class. For the above reasons, the administrative law judge concludes that Ms. Van Sickle has been available for work within the meaning of Iowa Code section 96.4(3) at all times since filing her claim.

An employer is entitled to a relief from benefit charges if a current employee is being provided the same level of work as was provided during the base period of the claim. Iowa Code section 96.7(2)a. Ms. Van Sickle's base period wage credits earned with Sheffield Care Center were earned in full-time work. It is undisputed that the employer is not currently providing her with full-time work. Therefore, the employer is not entitled to be relieved of charges for benefits paid to Ms. Van Sickle.

DECISION:

The representative's decision dated August 30, 2005, reference 01, is hereby affirmed. Ms. Van Sickle is available for work within the meaning of the law. Benefits are allowed, provided she satisfies all other conditions of eligibility. Sheffield Care Center will not be relieved of charges for benefits paid on the claim filed effective August 21, 2005.

cfc/kjw