

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JUDY A TRENTZ
Claimant

APPEAL NO. 10A-UI-02388-HT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**J&M PARTNERSHIP
MCDONALDS**
Employer

OC: 01/10/10
Claimant: Respondent (1)

Section 96.4(3) – Able and Available

STATEMENT OF THE CASE:

The employer, McDonalds, filed an appeal from a decision dated February 9, 2010, reference 01. The decision allowed benefits to the claimant, Judy Trentz. After due notice was issued a hearing was held by telephone conference call on March 30, 2010. The claimant participated on her own behalf. The employer participated by Manager Liz Fischer.

ISSUE:

The issue is whether the claimant is able and available for work.

FINDINGS OF FACT:

Judy Trentz began employment with McDonalds on September 6, 2000, as a full-time crew person. The employer cut her hours to part time in January 2008 because she had missed too many scheduled shifts due to bad weather. She continued with the part-time hours working between 20 and 30 per week. In January 2010 the manager cut her hours to between 12 and 18 per week and eventually only nine hours per week. Ms. Trentz filed for unemployment benefits effective January 10, 2010. She is able to work her usual 20 to 30 hours per week.

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".

The claimant's hours were cut by the employer as a sort of pre-emptive "fix" for any shifts that might be missed due to bad weather. The claimant is able and available to work her regular part-time hours and is therefore eligible for benefits.

DECISION:

The representative's decision of February 9, 2010, reference 01, is affirmed. Judy Trentz is able and available for work and eligible for unemployment benefits.

Bonny G. Hendricksmeier
Administrative Law Judge

Decision Dated and Mailed

bgh/pjs